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EASTERN

**F.O.
371**

1947

PALRESTINE

File No. 951

pp. 9861 - 9997



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Reference:

FO 371 / 61884

**CLOSED
UNTIL
1978**

61884

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E 9861

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1947

PALESTINE

23 OCT

Registry
Number

E9861/957/31

FROM

A. Kennedy

No.

Washington

Dated

15/28/47

Received
in Registry

15 Oct
23 ~

Palatine Retention, U.S. Press.

Which publicity has been given to remain
Arab threats about Palestine and to suggest
that Arab troops are being concentrated
on the borders of the country.

Enclosed examples of same.

Last Paper

9860

(Minutes.)

References

N. Dept. ^{15/47}

copy to

Mr. [unclear]
Oct. 27

(Print)

61884

(How disposed of)

8, 80
Oct-29

(Action
completed)

L.P. [unclear]
11/18/47

(Index)

[unclear]
20/8/48

Next Paper

E 9898

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References

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E 9861

BRITISH EMBASSY,

WASHINGTON 8, D. C.

15th October 1947

Ref: 15/328/47

23 OCT

Dear Department,

Wide publicity has been given in the United States to the various Arab threats about Palestine and to stories that Arab troops are being concentrated on the borders of the country. The pro-Zionist newspapers such as P.M. insist that the Arab threat is not to be taken seriously. The numbers of Arab troops which might be available are cited to show that they are not in fact very numerous - see for example the enclosed cutting from the New York Times of Sunday, October 12th. P.M. maintains that these, apart from the Arab Legion in Transjordan, are of little worth. Moreover the demands of internal security in Iraq, the political divisions within the Arab League and the possibility that a Jewish Legion might be raised abroad would all, in P.M.'s opinion, militate against effective Arab action. It therefore considers that the threats are mainly bluff.

2. P.M. also carried a story on the 13th October to the effect that there is a British agreement with the Arabs to allow the latter to take over all Palestine. This appears to have been based on a remark by Azzam Pasha that many applications had been received from ex-British officers anxious to join the Arab expeditionary forces destined for Palestine. The paper states that when a British Foreign Office spokesman was questioned about this he replied "curtly" that there was nothing in British law to prevent British officers from joining such an expedition. We are in touch with the U.K. Delegation at New York as to the desirability of issuing a denial of this scurrilous story if it shows signs of spreading.

3. Some other newspapers take the same general

Eastern Department,
Foreign Office,
London, S.W.1.

/view

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view of the matter as does P.M. The New York Herald Tribune in an editorial of which a copy is enclosed, says that the mobilising forces of the Arab League are firmly entrenched on the front pages of the American press, which is very likely their first and major objective, and that the mobilisation is directed, not against the borders of Palestine, but against the beachheads of Lake Success. This paper does, however, issue the warning that what is bluff today may not be bluff tomorrow, if the situation is allowed to deteriorate further, and that a firm decision in the United Nations is therefore urgently needed.

4. Other newspapers such as the Washington Post hold that the Arabs should be taken firmly to task for their present campaign of intimidation. This newspaper's leader was backed by an article by the columnist Barnet Nover, who described the Arab stand at Aaley as, if anything, more outrageous than that taken by Vishinsky at Lake Success. The Soviet Bloc had merely said that it would not participate in the election of a Balkan Commission whatever the Assembly did, but the Arab States, he said, were threatening to take the law into their own hands by military action.

5. Wireless comment is divided between those who think the Arabs mean business and those who do not. The latter hold that if the Arabs were in earnest they would not have given their intentions so much advance publicity. The former believe that the Arabs are so excited that no consideration of their ultimate interests will prevail. Both groups of commentators incline to the view that no serious trouble will arise so long as the British remain in Palestine and a few hold that the British will have too much respect for their obligations to leave if the Arab threat is indeed real.

6. At the weekend an Associated Press story from

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a correspondent who had flown along 300 miles of the borders of Palestine was widely printed. This said that no Arab troop concentrations whatever were to be observed. The more general tendency to discount Arab threats which ensued has, however, been checked by a U.P. story from Jerusalem which appeared in the press on the 13th October to the effect that Syrian troops on manoeuvres had arrived at the Palestine border at two points north of the Sea of Galilee. The upshot is that the public mind is considerably confused despite determined efforts by Zionists and others (see for example the enclosed letter to the Washington Post) to persuade it that there is nothing to be feared. Meanwhile the American Zionist Emergency Council has weighed in with the enclosed advertisement, which appeared in the New York Times and other papers on the 13th October, entitled "Shall We Submit to Blackmail Diplomacy?"

7. We are sending copies of this letter to Jerusalem and to the U.K. Delegation at New York.

Yours ever,

CHANCERY

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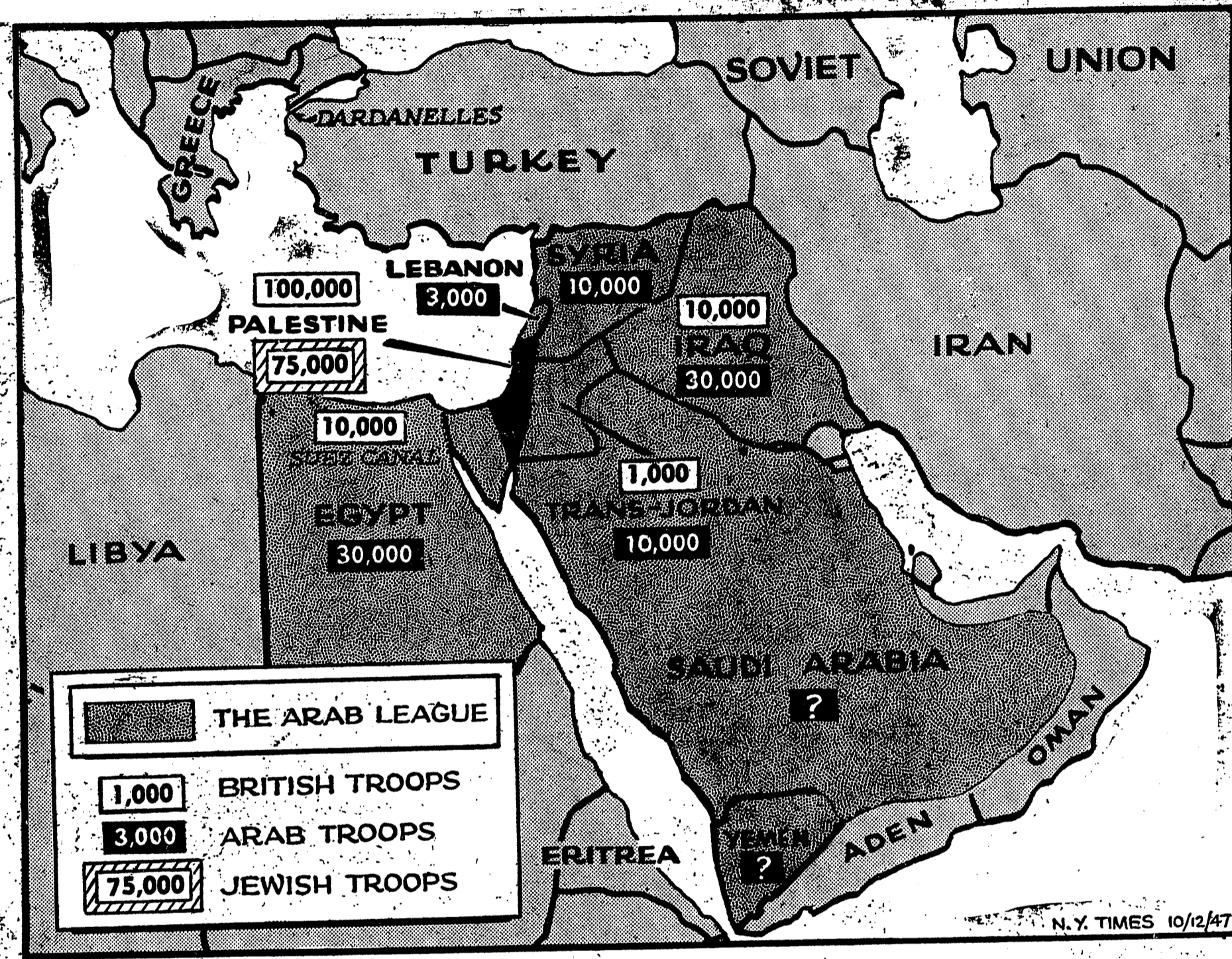
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Opposing Forces

In the event of an armed Arab-Zionist showdown—a showdown that could come only if the British withdrew and the U. N. failed to provide a "police force"—these would be the opposing groups:

Arabs. The seven Arab League states can muster perhaps 80,000 troops, most of poor quality. Perhaps the most powerful Arab striking forces are those of Trans-Jordan, which has a British-led Legion of 6,000 to 15,000 men, and Iraq, which has possibly 30,000 armed men.

Zionist. The chief Jewish armed force is the Haganah. It numbers about 75,000 men, many of them highly trained veterans of World War II.

Whether the Arab troop maneuvers were made for propaganda purposes only or whether they actually pre-figured a "holy war" was uncertain.

The Arabs' economic threat—the possibility of canceling present oil concessions—was the subject of widespread discussion in Western countries. The general feeling was that the Arab threat is not likely to be carried out because the Arab rulers do not want to give up a rich source of revenue. It was recalled that King Ibn Saud of Arabia recently described as "hot wind" rumors that he might withdraw American oil concessions if the U. S. supported the Zionists.

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THE ARAB ARMIES.

Whatever may be happening along the frontiers of Palestine, it seemed clear at a late hour last night that the mobilizing forces of the Arab League were firmly entrenched on the front pages of the American press, which was, one is almost compelled to assume, their first and major objective. Except as a political and propagandist move, the mobilization (if it has really taken place) makes very little sense. Ostensibly a step preparatory to invading Palestine in defense of the Palestinian Arabs in the event of a British withdrawal, it might have the effect of making it impossible for the British to withdraw, but could hardly accomplish anything else.

The backbone of the allegedly mobilizing armies is the Arab Legion of Trans-Jordan, a well trained force of about 30,000 or so, with considerable motorized equipment, but commanded by Glubb Pasha and largely officered by other Britons, and controlled by a king whose opposition to Palestinian partition is believed to be definitely subordinate to his interest in attaching to his own kingdom the Arabic fragments which might result from such a fission. A further irony is supplied by the fact that a considerable portion of the Arab Legion is in fact already inside Palestine, retained by the British administration as a part of the police force—a circumstance which makes it difficult to credit the report that the rest of it is now mobilizing along the frontier as a preparation for invasion.

Military strategy in the Middle-Eastern world is, like its politics, an intricately complicated thing; without trying to trace all the ramifications, it is enough to say that the likelihood of a concerted attack by the armies of the Arab League on Palestine seems rather small, while the ability of the Jewish community in Palestine to defend itself is undoubtedly considerable. But we are a long way as yet from such grim issues. The present gesture is not military but political. It is a mobilization, not against the borders of Palestine but against the beachheads of the Success. As it such it is not too serious now, but it is a reminder that passions and propaganda are reaching the point where, without firm and definitive solutions, blood may really run one day in tragic fashion.

The Arabs are making what is today a bluff, but what will not be a bluff tomorrow if this deteriorating situation is allowed to drag on indefinitely from bad to worse. Their "mobilization" is no argument for accepting the Arab thesis, but it is an argument for promptly reaching some firm conclusion. The United Nations special committee has reported what is, with all its defects, the fairest and most practicable solution that it seems possible to attain; the time has come when it is this or nothing and there is every reason why the United States should frankly throw the full weight of its influence behind that solution, regardless of either Jewish or Arab intransigence, regardless of the political capital that the Russians or others might make out of it. We have reached a point at which firmness and definiteness of policy will be their own reward; whatever perils they may involve are now as nothing against the perils of further wishy-washy evasion.

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RE/

WASHINGTON POST OCT 14 1947

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Arab Threats On Palestine

The undersigned, the first three of whom were members of the Anglo-American Committee of Inquiry on Palestine, and the others, writers with first-hand knowledge of the Middle East, its peoples, problems and conditions, believe they can speak with authority on the Arab states' threats to settle the Palestine question by force of arms.

We consider it our duty to convey to the American press, and through it to the American people, our evaluation of these threats. Leaving to the United Nations the question of whether the Arab states can be allowed to violate the U. N. Charter by undertaking open aggression against Palestine, we proclaim that there is no substance whatsoever in the threats of the Arab politicians.

Syria, Lebanon and Iraq, whose armies are allegedly being concentrated on the frontiers for an invasion of the Holy Land, are militarily so weak that they cannot defend their own countries and cannot suppress local rebellions of mutinous minority groups. Their armies are extremely small in numbers, weak in morale, ill equipped, badly trained and utterly inexperienced in modern warfare. Furthermore, the Christian majority of the population in Lebanon favors a Jewish state in Palestine and is opposed to its own present unrepresentative government.

The only effective Arab military force is the Arab Legion of Transjordan, which however is maintained, commanded and controlled

by Britain. Saudi Arabia wisely keeps quiet at the moment. Should Ibn Saud join in the threats it should be remembered that he and King Abdullah of Transjordan are mortal enemies. For Saudi Arabia to intervene in Palestine would involve the sending of an expeditionary force across Transjordan. Poland would sooner allow an American Army to cross into Russia than Abdullah would tolerate a Saudi Arabian march through his territory.

On the other hand, Palestine Jewry is a factor of considerable strength in modern warfare. The British commander, General D'Arcy, in his testimony before the Anglo-American Committee, stated without hesitation that Palestine Jewry could militarily hold its own. The Arab threats are mere bluff.

When Hitler threatened the world with aggression he had a powerful Wehrmacht to back up his threats. When the Husseinis of Palestine or Azzam Bey of the Arab League, imitate Hitler, they have behind them an utterly disunited group of Arab peoples, with no armies, no air force, no navy, no equipment, no industrial potential and no know-how in modern warfare.

FRANK W. BUXTON.
BARTLEY C. CRUM.
JAMES G. McDONALD.
ELIAHU BEN-HORIN.
GEORGE L. CASSIDY.
FRANK GERVASI.
EDGAR ANSEL MOWRER.

New York.

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ADVERTISEMENTTHE NEW YORK TIMES, MONDAY, OCTOBER 13, 1947.
ADVERTISEMENT

ADVERTISEMENT

Shall We Submit To BLACKMAIL DIPLOMACY?

THREAT upon threat falls from the lips of Arab spokesmen both in the United Nations and in the Middle East. The Arab League proclaims that the seven Arab states will send military forces to Palestine! There is to be a Holy War against the Jews! There is to be a complete "break" with the West! Sanctions are to be employed against the oil concessions of America and Britain in the Middle East!

All this because the United Nations Special Committee on Palestine recommended partition of the Holy Land as the final solution of a grave and long-standing international problem.

Is there any substance to these threats, or is this an attempt to blackmail the United Nations into submitting to the demands of the Arab rulers?

The Middle East Frankenstein

The chieftains of Arabia who are now so vociferous at Lake Success did not arrive there on their own power. They have been built up and pushed in. All they possess now in the way of official standing and prestige they owe to that West with which they now threaten to "break." The Arab countries lie within the sphere of British-American political, economic and strategic power. They owe to the Western Powers their deliverance from inevitable Axis occupation and devastation in World War II;

in order to oil the war. But if the world goes mad and engages in a new global war, formal ownership of Middle Eastern oil reserves will mean very little. For in time of war it is not the availability, but the *accessibility*, of oil that counts.

Thus far America has at no time been *dependent* on Middle Eastern oil. The Arab states, however, are *totally dependent* on the Western Powers for the development, shipping and marketing of their oil resources in peacetime, and for their protection in wartime.

The Arab threat of applying sanctions against American and British oil interests in the Middle East is, therefore, also bluff.

The Arabs And The Soviet Union

The alternative to a "break with the West" is lining up with the East, namely, the Soviet Union. The absurdity of such a notion is readily apparent to anyone with even elementary knowledge of the feudal Arab world. The Arab potentates would be the very last to invite Soviet influence in their lands and over their peoples.

Furthermore, on May 14, 1947 Andrei A. Gromyko, Soviet delegate to the General Assembly of the United Nations, declared on behalf of the Soviet Union: "The settlement of the problem of Palestine by the creation of a single Arab-Jewish state, with equal rights

Egypt, Saudi Arabia, Iraq and Syria have small, ill-trained and ill-equipped armies. Most of these troops are totally dependent on British and American military instruction and equipment. Furthermore, the highly-publicized Arab "unity" is also a myth. There are great differences and bitter animosities among the leaders of the Arab states.

Palestine Jewry, on the other hand, has already demonstrated that it is a factor to be reckoned with in modern warfare. Its industrial potential is by far the greatest in the entire Middle East. Its youth, which fought on the battlefields of the world in the last war, contains the right kind of human material for a Jewish national army. On this point we offer the testimony of no less an authority than General J. C. D'Arcy, formerly the General Officer Commanding Palestine, whose views were recorded by Bartley C. Crum, member of the Anglo-American Committee of Inquiry.

In *Behind the Silken Curtain* Mr. Crum says: "We discussed with him (General D'Arcy) what would happen if British troops were withdrawn from Palestine.

"If you were to withdraw British troops, the Haganah would take over all of Palestine tomorrow," General D'Arcy replied flatly.

"But could the Haganah hold Palestine under such circumstances?" I asked.

"Certainly," he said. "They could hold it

All this because the United Nations Special Committee on Palestine recommended partition of the Holy Land as the final solution of a grave and long-standing international problem.

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Withdrawal of Western political and military protection and economic support from the Arab states would spell complete ruin for their leaders. Politically, militarily and economically, not one of these countries could stand on its own feet. The moment oil royalties to Iraq and Saudi Arabia are halted, the local Arab potentates would lose most of their income. Or should Great Britain withhold its subvention to Abdullah of Transjordan, this puppet king would practically have to ask for alms.

The truth is that this Frankenstein monster created by Great Britain has no strength of its own. All Arab threats of a "break" with the West are mere bluff.

The Cow, The Calf And The Milk

There is an old saying that "more than the calf wants the milk, the cow needs to be milked." This was never truer than in the case of the relationship between American oil interests and the Arab rulers of the Middle East. America wants Arabian oil, of course: in time of peace, for the supply of overseas markets, so as not to drain home resources; in case of armed conflict,

for the development, shipping and marketing of their oil resources in peacetime, and for their protection in wartime.

The Arab threat of applying sanctions against American and British oil interests in the Middle East is, therefore, also bluff.

The Arabs And The Soviet Union

The alternative to a "break with the West" is lining up with the East, namely, the Soviet Union. The absurdity of such a notion is readily apparent to anyone with even elementary knowledge of the feudal Arab world. The Arab potentates would be the very last to invite Soviet influence in their lands and over their peoples.

Furthermore, on May 14, 1947 Andrei A. Gromyko, Soviet delegate to the General Assembly of the United Nations, declared on behalf of the Soviet Union: "The settlement of the problem of Palestine by the creation of a single Arab-Jewish state, with equal rights for Jews and Arabs, might be considered as one of the possible solutions and as the solution most deserving attention. If it were found that this plan was unrealizable on account of the deterioration of relations between Jews and Arabs, then it would be necessary to consider an alternative solution which, like the first, has its advocates in Palestine and consists of the division of Palestine into two independent separate states—one Jewish and one Arab."

It would seem, then, that the Soviet Union is not prepared to go along with Arab plans for the destruction of the Jewish National Home. And the Arabs, it appears, are not "rushing into Russia's arms" after all.

Thus, another Arab threat is merely another Arab bluff.

The Threat Of An Arab-Jewish War

As we read headlines about the "massing of Arab troops at Palestine's borders," we would do well to analyze this "war threat" in terms of existing realities. In Palestine itself no more than 3,000 Arabs participated in anti-Jewish riots at any time in the past. Even when the rioters were led by the Axis collaborator, Haj Amin el Husseini, the former Mufti of Jerusalem, and when they had the support of Fascist and Nazi agents, their numbers were insignificant. At present, with the Axis no longer in existence, the prospects for a real Arab revolt in Palestine are much poorer.

already demonstrated that it is a factor to be reckoned with in modern warfare. Its industrial potential is by far the greatest in the entire Middle East. Its youth, which fought on the battlefields of the world in the last war, contains the right kind of human material for a Jewish national army. On this point we offer the testimony of no less an authority than General J. C. D'Arcy, formerly the General Officer Commanding Palestine, whose views were recorded by Bartley C. Crum, member of the Anglo-American Committee of Inquiry.

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"If you were to withdraw British troops, the Haganah would take over all of Palestine tomorrow," General D'Arcy replied flatly.

"But could the Haganah hold Palestine under such circumstances?" I asked.

"Certainly," he said. "They could hold it against the entire Arab world."

So much for the fourth Arab bluff.

Will The U. N. Be Intimidated?

Even if all of these threats of the Arab politicians could be taken at their face value we would have a right to expect the United Nations to withstand such intimidation. If the spirit of appeasement is to rule at Lake Success then there is no hope for the world. If the former pro-Nazi agent, Jamal el Husseini, can browbeat the United Nations with as much success as Hitler enjoyed at Munich, then we may as well liquidate the United Nations and prepare for new anarchy in the world, for new wars and total destruction.

A Committee of the United Nations investigated the Palestine problem and rendered its judgment. The solution advocated by the majority involves enormous sacrifices on the part of the Jewish people. The area designated for the Jewish State is only one-eighth of the original area contemplated by the Balfour Declaration. But the Jewish people is not threatening revolt, or a war against the Arabs.

Organized mankind cannot and must not tolerate blackmail diplomacy even when such threats are based on actual power. But when the threats are empty and baseless, they can only be met with the condemnation which they deserve.

AMERICAN ZIONIST EMERGENCY COUNCIL

342 Madison Avenue

New York 17, N. Y.

219

1947

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E 9898

23 OCT

PALESTINE

Registry Number } E 9898/957/51

TELEGRAM FROM

No.

U.K. No.

Dated

New York

Received in Registry

3008

21 Oct

23 -

Palastine Litteration
addressed H/C Palestine No 107 from top of
for Colonel General Linderstein in New York.
are favourable to some resolutions on the
basis of the majority plan, says tribute
to service of G. Gurney and others are
pending.

Last Paper.

9801

References.

(Print.)

(How disposed of.)

8, Wetheran, B.O.

M.I.B.A.

M.O.H.

Adm.

A.M.

Oct 23

(on E 9852)

(Action completed.)

[Signature]
9/10/47

(Index)

[Signature]
30/10/47

Next Paper.

E 9903

(Minutes.)

D.S. Reint
Oct. 23

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FO 371 / 61884

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CYPHER/OTF

E 9898 12
FILES
23 OCT

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No:3008

D.5.22 p.m. 21st October 1947

21st October 1947

R.5.10 a.m. 22nd October 1947

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Begins.

Addressed to High Commissioner Jerusalem telegram No:107 of 21st October.

Secret.

Personal from Secretary of State for Colonies.

I have refrained from telegraphing you from New York because we have tried to keep you and Colonial Office posted with relevant events and any significant tendencies and there was little more to add but I would like you to know how conscious we are of the problems besetting you and your officers and staff in this very difficult period. We have the completest confidence in your judgment and you know that your reports and opinions are of the greatest help to both London and New York. I hope that we can get through this last chapter without any exceptional happenings. Nevertheless the situation in Palestine will call for much patience courage and determination and disheartening as many things will seem to the officers and staff I know that they will guide and control affairs so that this last chapter will prove no less worthy than those which have been already written. In New York developments are slow. Most nations have said their piece and the tendencies are favourable to some conclusions on the basis of the majority report but there is no sign of any coming together of Jews and Arabs for mutual accommodation and both are under the surface a bit concerned about events when we withdraw and how any United Nations policy is going to be implemented and enforced. The nations generally have not yet appreciated realistically the implications of enforcement. We now get down to the detailed discussion of the proposals thrown up in the general discussion. You have seen my latest speech which reveals faithfully the line we are taking. I will of course keep you aware of any important developments. Meantime I want humbly to pay tribute to the quality of service you and Gurney and all concerned are giving.

Foreign Office please pass to High Commissioner Jerusalem and Colonial Office.

[Copies sent to Telegraph Section, Colonial Office for repetition to Jerusalem and information Colonial Office].



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E 9903

1947

PALESTINE

23 OCT

Registry Number } E9903/951/31

TELEGRAM FROM

U.K. Del

No.

New York

Dated

3023

Received in Registry

22 Oct

25 -

Palastine Committee Meetings.
Report New York tel 2984 (E9759/951/31)
The 19th and 20th meetings were devoted to discussions on the future procedure.
See particulars.

Last Paper.

9898

References.

(Minutes.)
Please see also E99281g giving the Colonial Secretary's comments on the developments outlined in this telegram.

The result reached is ~~entirely~~ satisfactory from our point of view. It is noteworthy that the Americans and the Russians have failed in a determined attempt to get the principle of partition on the basis of the Majority Plan accepted before the plan is further considered in detail.

Nevertheless it is to be doubted whether the device used is really a practical one. The setting up of a parallel Arab Plan Sub-Committee is merely a sop to the Arabs. Its work is not likely to be very realistic; nor for that matter is the work of the Majority Plan Sub-Committee going forward with speed, according to ~~today's~~ press reports. The Sub-Committee is said to be unwilling to commit itself to planning until it is informed of the date of our intended withdrawal.

The line taken by our Delegation (see para.5) is in keeping with our general attitude. The developments reported in this telegram have by-passed the American Resolution No.11. As regards the other resolutions, it appears from para.4 that they will either be dealt with by the Sub-Committee or await later consideration by the main Committee. I have prepared, in conjunction with the Colonial Office, a note suggesting what our attitude should be to these various resolutions and it is submitted herewith. Meanwhile we may expect some further comment from New York on the resolutions as a result of the telegram we sent out on E.9780.

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M.1.39
M.O.H
Admty.
g.M.
Oct 28
(on E9932)

(Action completed.)

L. E. Brod/10

(Index.)

[Handwritten initials]

Next Paper.

E9921

J.G.S. Beith
(J.G.S. Beith)
24th October, 1947.

J.G.S. Beith
24.10

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Reference: FO 371 / 61884

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In P.P. 7.0. Minute W. Beck. 23/10.
I have put this with JB out. 31
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WORLD ORGANISATION DISTRIBUTION.

FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations)

No. 3023

D. 9.5 a.m. 22nd October 1947
R. 4.7 a.m. 23rd October 1947

22nd October 1947.

Repeated to Jerusalem
Washington Saving.

E 9903

IMMEDIATE.
GIANT.

23 OCT

My telegram No. 2984.

Palestine Committee.

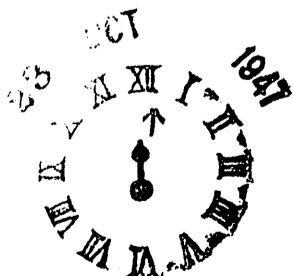
The 19th and 20th meetings of the Committee on the 21st and 22nd October were devoted to discussion of future procedure.

2. Evatt proposed that Sub-Committees should be established immediately and that no decisions of principle should be taken until they had reported back to the main Committee. Tsarapkin (Soviet Union) pressed for the reversal of this procedure, arguing that the principle of partition should first be adopted and a Sub-Committee then formed to work out the details. Despite American support this proposal was defeated by 26 votes to 14.

3. It was then decided that three Sub-Committees should be established. The first is to consist of the Chairman, Vice Chairman and Rapporteur with such other Delegates as they think it useful to consult. The object of this body is to explore the possibility of arriving at a settlement by conciliation. The second and third Committees are to work out plans on the basis respectively of the UNSCOP majority proposal (together with the unanimous recommendations) and the Arab proposal for a unitary state. It is the intention that each Sub-Committee should produce a comprehensive proposal, covering means of enforcement immigration and other related questions. The composition of these two Sub-Committees will be determined by the Chairman, subject to the following provisions.

(a) The two Committees are to be equal in membership

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and status.

(b) Each is to be composed of Delegations which favour the proposal in question or which are neutral towards it. Supporters of either plan are thus not eligible for the Sub-Committee dealing with the other.

(c) Delegations were therefore given an opportunity of indicating to the Chairman their unwillingness to serve on either Committee.

4. Gonzalez (Colombia) supported by Tsiang (China) attempted to secure the establishment of a Fourth Committee with terms of reference covering the problem of Jewish displaced persons. Had this Committee been established it would probably have dealt with all the resolutions relating to immigration into Palestine as well as the refugee question. The proposal was however defeated by 19 votes to 7 with 10 abstentions. Unless the resolutions on this subject are dealt with by one of the Sub-Committees they must therefore wait until the main Committee is convened again. The same applies to a number of the other resolutions summarised in my telegrams Nos. 2983 and 2992. The two Sub-Committees have been asked to report by the 29th October.

5. The United Kingdom Delegation abstained from voting throughout these proceedings. It was made clear to the Committee that we could not undertake membership of either Sub-Committee but that we would be ready to sit with both in order to make available our knowledge and experience.

Foreign Office please pass Immediate to Jerusalem as my telegram No. 108.

[Copies sent to Colonial Office for repetition to Jerusalem].

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Reference: **FO 371** / 61884

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E 9921

1947

PALESTINE

24 OCT

Registry Number

E9921/951/31.

FROM

C.O. Dandas

No.

Damasus

Dated

126.

Received in Registry

16 Oct 24

Syrian Troop Movements.

Refer Damasus, t.h. 439 & 442 of Oct 11 & 13 (E9921/951/11) reporting interview with Syrian Minister of Defense and Interior, re troop movements in neighbour hood of Palestine frontier. Now transmit further details.

Last Paper

9903

References

(Print)

(How disposed of)

W.H. Damasus.
No. 186
✓ 31st. Oct

(Action completed)

9/10/48

(Index)

30/8/48

Next Paper

9932

(Minutes.)

copy to C.O. (Mr. Mathison)

J. B. B. (J.E. CABLER) 27/10

I think we should approve Mr Dandas' action (para. 8)
Draft

H. J. B. B. Oct. 27

Seen by Mr. Ganan & sent 28/10

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References

FO 371 / 61884

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British Legation,
Damascus.

E 9921

24 OCT

No. 126.

16th October 1948

Sir,

With reference to my telegrams No. 439 of October 11th and 442 of October 13th reporting my interviews with the Syrian Ministers of the Interior and Defence concerning troop concentrations in the neighbourhood of the Palestine frontier, I have the honour to add the following details.

2. During the week ending October 11th excitement in Syria about Palestine, as shown by the press, by public statements in the mosques and at political gatherings, had been rapidly rising. Calls were being made for active assistance to the Arabs in Palestine, for the shedding of blood, for the "jihad", in fact for positive and immediate action, and volunteers were being enrolled under a variety of disreputable leaders for the "liberation of Palestine". The following is a typical extract from the Damascus press: "War is expected every hour and the Arab forces are continuing to assemble along the frontiers. 6,000 Druze and 300,000 tribesmen are ready to fight with the regular army to crush Zionism. The Syrian army is awaiting orders to begin the attack."

3. The decision of the Arab League Council published in the press of October 10th that the Arab countries were recommended to send troops to the Palestine frontier added to the general impression that action was imminent. This statement was followed by circumstantial rumours that British troops were already evacuating Palestine and that Transjordanian troops had taken over in various named localities in the north. Every one appeared to have conveniently forgotten the body of Mr. Creech-Jones' statement. On the evening of October 10th I received information that Syrian troops were concentrating in the Qneitra area.

4. In these circumstances I felt that I should without delay explain quite clearly our situation in Palestine to the responsible Syrian Ministers, in order to avoid as far as possible the risk of any frontier incident and of inflaming still further public opinion in Palestine. As Jamil Mardam Bey was not available, I spoke to the Syrian Ministers of the Interior and Defence in the terms of my telegram No. 439.

5. The Minister of Defence, Ahmed Sharabati, was in a confident mood and did not appear to realise the grave possibilities inherent in the situation.

6. Later in the day rumours became current amongst army officers and the people of the town that during my interview with the Minister of Defence I had said that the British officers of the Arab Legion and Transjordan Frontier Force would march with the Arabs in the

/occupation ...

The Right Honourable Ernest Bevin, M.P.,
FOREIGN OFFICE,
S.W. 1.

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Reference:

FO 371 / 61884

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19

2.

occupation of Palestine; Arab troop movements continued and the confidence of the army and of the public that the Syrian army would shortly enter Palestine rose to such an extent that the bombing of Lydda was being seriously discussed in the cafés.

7. Feeling quite certain that the Syrian Government would do nothing to calm public opinion, I asked the Information Officer of this Legation to make the true situation clear through his press contacts. His conversation with the editors of two of the more responsible Damascus dailies was published on October 13th, as reported in paragraph 3 of my telegram No. 443, quite inaccurately as an official communiqué from the Information Officer.

8. I should have preferred to take your instructions before speaking to the Syrian Ministers and before authorising the Information Officer to discuss the matter with representatives of the Press. I felt however that it was absolutely essential for me to take immediate action, in general conformity with the directives you have given concerning Mr. Creech-Jones' statement, in order to avoid what I believed to be a very real risk of an armed clash between Syrian and British forces, and to check Syrian behaviour which I felt might rapidly lead to serious consequences inside Palestine.

9. I am sending copies of this despatch to His Majesty's Representatives at Bagdad, Jerusalem, Amman and Beirut.

I have the honour to be,

With the highest respect,

Sir,

Your most obedient, humble Servant,

C. A. F. Jurdas

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NOTHING TO BE WRITTEN IN THIS MARGIN.

(88854) W.14896/147 75,000 6/47 A. & E. W. Ltd. Gp. 685

Registry
No. E 9921/951/31

Top Secret.
Secret.
Confidential.
Restricted.
Open.

J.E.C.

Draft. Danfleh

No. 186

Damascus

OUT FILE

20

29 Nov
30 am

31st. Oct.

+ O C

Sir,

With reference
I should be glad
if you would refer to
your despatch no. 126 of
the 16th October, ~~which~~ ^{which} ~~you~~ ^{reported} the action ^{which} you
had ~~taken~~ ^{to} check
the rumours circulating in Syria
concerning British and Syrian
troop movements.

~~I entirely approve~~
~~of this action.~~

R.P.
V 28/x

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FO 371
61884

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OUT FILE

21

FOREIGN OFFICE, S.W.1.

31st October, 1947.

(E 9921/951/31)

No. 186.

Sir,

With reference to your despatch No. 126 of the 16th October, I approve the action which you took to check the rumours circulating in Syria concerning British and Syrian troop movements.

I am, with great truth,

Sir,
Your obedient Servant,
(For the Secretary of State)

(Sgd.) B. A. B. Benows.

C.A.F. Dundas, Esq., O.B.E.,
etc., etc., etc.,
Damascus.

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Reference:

FO 371 / 61884

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E 9932

22

1947

PALESTINE

24 OCT

Registry Number

E 9932/957/31

TELEGRAM FROM

W. Clarke

No.

343

Dated

22 Oct

Received in Registry

24 ~

Arab troop movements.

Refer to 1907 (E 9484/85/31)
A.P. Morgan informed that he had asked official
of the Ministry Foreign Affairs whether the
Saudi Arabian Govt. had taken any action
to implement Arab League recommendation
for movement of troops to the Palestine frontier.
He was informed that no action had been taken

Last Paper.

9921

(Minutes.)

Please see separate minute

J 27/10

References.

(Print.)

(How disposed of.)

Walterton. P.O.
M.I. 39
M.O. 4
Admty
a/m.
✓ Oct 28

(Action completed.)

J 26/4/11

(Index)

[Handwritten signature]

Next Paper.

E 9938

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Reference:

FO 371 / 61884

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[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

Cypher/OTP

CABINET DISTRIBUTION

E 9932

FROM JEDDA TO FOREIGN OFFICE

24 OCT

Mr. Clarke

D: 7.26 p.m. 22nd October, 1947

No. 545

22nd October, 1947

R: 9.03 p.m. 22nd October, 1947

Repeated to: Arab posts
United Kingdom Delegation New York
Jerusalem

CONFIDENTIAL

Your telegram No. 1904 [sic] to Cairo.

Palestine

United States Charge d'Affaires informed me on October 17th that he had asked official in charge of the Ministry of Foreign Affairs whether the Saudi Arabian Government had taken any action to implement Arab League's recommendation for movement of troops to the Palestine frontier, and he was informed that no action had been taken.

2. Sheik Yusuf Yasin returned October 21st but left immediately for Mecca. I shall not be able to see him for several days as all officials will be in Mecca for the pilgrimage.

Foreign Office please pass to United Kingdom Delegation New York and Amman as my telegrams Nos. 4 and 52 respectively.

Beirut please pass to Danascus as my telegram No.47.

[Repeated to United Kingdom Delegation New York and Amman by Foreign Office].

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E 9938

24

1947

PALESTINE

24 OCT

Registry Number

E 9938/957/31

TELEGRAM FROM

U.K. Ad

No.

New York

Dated

30.11.4

Received in Registry

23 Oct

24

Palestine Sub Committee - 2.

Re: New York tel 3023 (E 9903/957/31) Sub-Committee - 2. Meeting with Arab Plan was constituted by Scott, Karpman, He and Arab States, Afghanistan, Pakistan and Columbia with a U.K. observer. Sub committee met twice, its members were unanimous in endorsing its composition.

Last Paper.

8912

(Minutes.)

UN (P.A.) D.P.

[Signature]

(S.E. CABLE)

24/10

References.

(Print.)

(How disposed of.)

8, Whackman. 80.

M.I. 3.0.

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Adm. 4

O/P.

Oct 28

(on 89932)

(Action completed.)

[Signature]
20/10

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[Signature]
20/10

Next Paper.

E 9939

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FO 371 / 61884

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E 9938

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En Clair

WORLD ORGANISATION DISTRIBUTION

24 OCT

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 3044

D. 10.55 a.m. 23rd October, 1947.

23rd October, 1947.

R. 5.30 a.m. 24th October, 1947.

Repeated to Jerusalem (Immediate)
Washington Saving

IMMEDIATE

GIANT

My telegram No. 3023.

Palestine Committee.

Sub Committee 2 dealing with the Arab plan was
constituted by Evatt as follows:-

The six Arab States, Afghanistan, Pakistan and
Colombia, with a United Kingdom observer.

2. The Sub Committee met twice on the 23rd October.
Its members were unanimous in disliking its composition,
and Chamoun (Lebanon) offered on behalf of the Arab States
the withdrawal of two of their number in favour of two more
neutral delegations. Gonzalez (Colombia) agreed to an
Iraqi proposal that he should take the chair on condition
that he should be authorised to propose these changes to
Evatt, and that he would resign if they were not accepted.
Pakistan was chosen as rapporteur.

3. The provisional chairman then proposed that the
Committee should provisionally divide into three working
groups, to consider respectively the resolutions dealing
with displaced persons, legal issues and the plan for a
unitary Palestinian State. These groups will start work
on the 24th.

4. Evatt who is absent from New York is expected to
return on the 25th.

Foreign Office please pass immediate to Jerusalem as
my telegram No. 113.

[Copies sent to Colonial Office for repetition to
Jerusalem]

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1947

24 OCT

PALESTINE

Registry Number

E 9939/951/51

TELEGRAM FROM

U.K. Del New York

No.

Dated

3043

Received in Registry

23 Oct

24 -

Polish Sub Committee - 1.

Sub Committee 1. was appointed by Coatt to study recommendations of U.N.S.C.O.P. comprising Canada, Czechoslovakia, Guatemala, Poland, South Africa, U.S.A., USSR, Uruguay, Venezuela.

Last Paper.

9938

(Minutes.)

PA 301x
v.p. (Pol.) Dept.

Hubles
(C.F. CABLE)
24/10

References.

(Print.)

A curious arrangement, and hardly calculated to lead in the direction of compromise

Jarran
25/x

BARB
25 x

(How disposed of.)

8, Malleson, B.O.
M.I.3.9.
M.O.H.
Admty
O.M.
(on E 9939)
✓ Oct. 28

(Action completed.)

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Next Paper.

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En Clair

E 9939

WORLD ORGANISATION DISTRIBUTION.

FROM NEW YORK TO FOREIGN OFFICE.

24 OCT

(From United Kingdom Delegation to the United Nations)

No. 3043

D. 11.10 p.m. 23rd October 1947
R. 5.35 a.m. 24th October 1947

23rd October 1947
Repeated to Jerusalem
Washington Saving.

IMMEDIATE.
GIANT.

Please pass to Colonial Office.

Palestine.

Following nine countries were appointed by Evatt to constitute Sub-Committee One to study the unanimous and majority recommendations of UNSCOP. These countries were represented by Delegates indicated below at morning and afternoon meetings held today:

Canada (Harris) Czechoslovakia (Lisicky)
Guatemala (Granados), Poland (Pruszyński)
South Africa (Van Schalkwyk) United States (Herschel
Johnsen)
U.S.S.R. (Tsarapkin) Uruguay (Fabregat)
Venezuela (Stolk) .

2. At the morning meeting Polish and Uruguayan Delegates were unanimously elected Chairman and Rapporteur respectively. The Polish Delegate was nominated for Chairmanship by the United States.

3. The offer made yesterday at the Ad Hoc Committee by the United Kingdom to make their knowledge and experience available to the Committee while not sitting as a member was accepted and the United Kingdom representative (Martin) was invited to take his place at the Committee table as an observer and so as to give any assistance asked for.

4. After some discussion the Soviet proposal which was supported by the United States that the Jewish Agency should be invited to take part in the proceedings of the Committee but should not have the right to vote was adopted on the understanding that the representatives of the Agency would not join in discussions on points of procedure.

24 OCT 1947

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5. The Sub-Committee also approved by six votes to three, proposal by Guatemala that meetings should normally be held in public but that any particular meeting might be closed if so desired by the Committee.

6. Report on afternoon meeting follows.

Foreign Office please repeat to High Commissioner Jerusalem as my telegram No. 118.

[Copies sent to Colonial Office for repetition to High Commissioner Jerusalem].

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E 9940

1947

PALESTINE

24

Registry Number

E9940/954/31

TELEGRAM FROM

U.K. Del

No.

New York

Dated

2906

Received in Registry

14 Oct

24

Prevention of Illegal Immigration.

Refer BO to Jerusalem 2428 E9547/48/9

Item by 3 Arab Delegation re prevention of illegal immigration, was submitted in time for consideration by General Committee main object seems to be to emphasize and expand principle contained in ILO constitution

Last Paper. 9939

W23433

(Minutes.)

copy to C.O. (Mr. Higham)

J 1/11

References.

(Print.)

(How disposed of.)

8, telegram BO.
Nov 5

(Action completed.)

J E 10/4/11

(Index.)

W23433
30/11/48

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W23433

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Reference

FO 371 / 61884

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Cypher/OTP

~~SECRET~~
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24 OCT

FROM NEW YORK TO FOREIGN OFFICE
(From United Kingdom Delegation to United Nations)

No. 2906 D. 11.30 a.m. 14th October, 1947
14th October, 1947 R. 5.47 p.m. 14th October, 1947

Repeated to Jerusalem and Saving to Washington

IMPORTANT
GIANT
SECRET

Your telegram No. 2428 to Jerusalem.

Illegal immigration.

3432

Item referred to in paragraph 2 of your telegram was submitted by the three Arab delegations in question just in time for consideration by the General Committee at the beginning of Assembly. It was hurriedly prepared but main object appears to be to re-emphasise and expand principle contained in I.R.O. constitution adopted last year to effect that organisation should endeavour to carry out its functions so as to avoid disturbing friendly relations between nations.

2. Lebanese delegation state that they will be drafting detailed resolution on the subject which will take account of our own resolution (see my telegram No. 2880) and which they promise to show us in advance. There is no immediate prospect of such a draft however as all Arab delegations still continue to be fully preoccupied with general debate on Palestine.

Foreign Office please pass to Jerusalem as my telegram No. 92.

[Copies sent to Telegraph Section Colonial Office for repetition to Jerusalem].

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15 OCT 1947

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PALESTINE

E 9947

24 OCT

31

Registry Number

169947/957/51

FROM

U. Nations.

No.

Dated

Received in Registry

24 Oct.

United Nations Document.

Gives report of New Zealand Del' to Special Session of General Assembly on Palestine,

Last Paper

9946

(Minutes.)

References

~~U.N. (P.S.)~~
C.D.D. Min 29/10

[Signature] 29/10

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(How disposed of)

(Action completed)

P.C. 16 29/10

(Index)

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29/10

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References:

FO 371 / 6188A

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THE
UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION
TO THE SPECIAL SESSION OF THE GENERAL
ASSEMBLY CALLED TO CONSTITUTE AND
INSTRUCT A SPECIAL COMMITTEE TO PREPARE
FOR THE CONSIDERATION OF THE QUESTION
OF PALESTINE. HELD AT FLUSHING
MEADOWS, NEW YORK, 28 APRIL - 15 MAY 1947



DEPARTMENT OF EXTERNAL AFFAIRS
WELLINGTON
1947

PRICE 9D]

[PUBLICATION No. 31

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3. Statement by Mr Moshe Shertok, Representative of the Jewish Agency for Palestine	37
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34

**REPORT OF THE NEW ZEALAND DELE-
GATION TO THE SPECIAL SESSION OF
THE GENERAL ASSEMBLY OF THE UNITED
NATIONS APRIL - MAY, 1947**

New Zealand Legation, Washington, D.C.
29 May, 1947

The Right Honourable Peter Fraser, P.C., C.H.,
Prime Minister and Minister of External Affairs,
Wellington, New Zealand.

SIR,—

I have the honour to append hereto a report on the Special Session of the General Assembly of the United Nations which opened at Flushing Meadows, New York, on 28 April, 1947.

The New Zealand delegates were Sir Carl Berendsen and Mr. John S. Reid.

The Session was called in response to the request of the United Kingdom, acting under Article 4 of the Provisional Rules of Procedure, in a letter addressed to the Assistant Secretary-General of the United Nations in the following terms:—

“His Majesty’s Government in the United Kingdom request the Secretary-General of the United Nations to place the question of Palestine on the Agenda of the General Assembly at its next regular Annual Session. They will submit to the Assembly an account of their administration of the League of Nations Mandate and will ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.

“In making this request, His Majesty’s Government draw the attention of the Secretary-General to the desirability of an early settlement in Palestine and to the risk that the General Assembly might not be able to decide upon its recommendations at its next regular Annual Session unless some preliminary study of the question had previously been made under the auspices of the United Nations. They therefore request the Secretary-General to summon, as soon as possible, a special Session of the General Assembly for the purpose of constituting and instructing a Special Committee to prepare for the consideration, at the regular Session of the Assembly, of the question referred to in the preceding paragraph.”

Thirty-nine nations responded to the notice of the Secretary-General inquiring whether they concurred in the calling of a Special Session of the General Assembly for the purpose of constituting and instructing a Special Committee to prepare for the consideration of the question of Palestine at the next Regular Session of the Assembly. Of these, thirty-eight concurred; Ethiopia alone did not. Belgium later indicated its approval, increasing to thirty-nine the number of nations concurring. In giving its approval, the New Zealand Government expressed its view that the Special Session should be for the sole purpose of constituting and instructing the Special Committee.

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A supplementary agenda item proposed by the five Arab States (Egypt, Iraq, Syria, the Lebanon, and Saudi Arabia) was in the following terms :—

“The termination of the mandate over Palestine and the declaration of its independence.”

At the first plenary meeting, after the election of the Credentials Committee, the Assembly elected as its President for the Session Dr Oswaldo Aranha, of Brazil. The next item was the formal admission of Siam to membership of the United Nations. This was approved unanimously, increasing the number of members of the United Nations to fifty-five. The only other extraneous function of the General Assembly was the welcome to President Aleman, of Mexico. The President of the Assembly delivered an address of welcome to President Aleman, who replied suitably.

The Assembly then proceeded to establish the General Committee, which according to the rules is entrusted, *inter alia*, with the task of examining the provisional agenda and the supplementary list and reporting to the Assembly for final approval. This Committee is composed of the President, the seven Vice-Presidents, and the Chairmen of the six main Committees. The seven Vice-Presidents, chosen by secret ballot, were the representatives of France, the United States of America, the United Kingdom, China, the Union of Soviet Socialist Republics, Ecuador, and India; the Chairman of the six main Committees were the representatives of Canada, Czechoslovakia, Egypt, Sweden, Poland, and Honduras. Of these Committees only one (the First) met for any business other than the election of its Chairman.

In accordance with Rule 33 of the Provisional Rules of Procedure, the provisional agenda, containing the items proposed by the United Kingdom and by the Arab States, was referred to the General Committee for consideration and report. There, the delegate for India, Asaf Ali, immediately opened proceedings by referring to a statement made by a Government spokesman in the House of Lords upon the attitude of the Government of the United Kingdom towards any recommendation on Palestine which might be adopted by the General Assembly. Although the Indian delegate was informed by the President that his question was out of order at this stage, he continued to press the point, and the President eventually permitted Sir Alexander Cadogan, delegate of the United Kingdom, to make a brief explanation. Sir Alexander stated that he would, at the appropriate time in the Assembly itself, make a full statement of the position of the United Kingdom Government, but he referred to a remark made by Lord Hall in the House of Lords: “I cannot imagine His Majesty’s Government carrying out a policy of which it does not approve.” He said that this did not mean that his Government would not accept any recommendation of the Assembly, but that he could not imagine it carrying out a policy which it thought was wrong. The incident closed at this stage, but was raised

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again by the Indian delegate at later meetings of the General Committee, when Sir Alexander Cadogan reiterated his explanation and pointed out that the United Kingdom alone had carried the burden of responsibility and had poured out treasure and blood, and that he did not consider it would be proper for the United Kingdom again to undertake alone such a responsibility if the policy recommended by the Assembly were against the conscience of his Government.

When the item proposed by the United Kingdom was called for discussion the Indian delegate endeavoured to have that proposed by the Arab States dealt with first, but eventually accepted the President's ruling that the United Kingdom item had precedence. After some general discussion this item was approved.

For the debate on the item proposed by the Arab States (the phrase which they themselves applied to their group), the Chairman referred to the provisions of Rule 34 of the Provisional Rules of Procedure, and in accordance with that rule invited the representatives of Iraq, the Lebanon, Saudi Arabia, and Syria to come to the table, Egypt already having a seat. The Egyptian delegate opened the case for the Arab item on the agenda, basing his claims on the fact that neither the Balfour declaration nor the mandate had ever been accepted by the population of Palestine, and that both were in contradiction to the spirit and letter of the Covenant of the League of Nations, which in such cases provisionally recognized the principle of independence. For that reason he pressed for inclusion of the Arab item to enable the Assembly to discuss the termination of the mandate and the independence of Palestine. The Egyptian delegate pointed out that the Arabs and Jews are both members of the Semitic race, and that they had been living together in peace and amity all over the world, even in Palestine, until the mandate was established. The whole of the merits of the subject of Palestine would have to be discussed and the appropriate manner in which to provide for such a discussion was to allow this second item proposed by the Arab States to be placed on the agenda.

These views were supported by numerous speeches from all the Arab States during the session of the General Committee—which dragged on for three days—in debates in which the Arab States took the greatest part. The attitude of most of the other members of the General Committee was that, although it was important that the point raised by the suggested item should be discussed in due course, the Special Assembly was not the proper time for such a discussion. It was only one of the possible solutions which should be considered by the proposed Committee of Inquiry, and to include it in the agenda at that time would be to prejudge the issue.

The Soviet representative adopted the attitude that it would be improper to deny to those delegations which desired a full and complete debate on the whole question of Palestine an opportunity to express

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Reference:

FO 371 / 61884

37

their views at the Special Assembly. He considered that a refusal to include the Arab item might be construed incorrectly and unfavourably to the United Nations.

When it became clear during the debate that the majority of the General Committee were opposed to the inclusion of their item, the Arab representatives pressed for some indication that the whole question of Palestine would nevertheless be discussed at the Special Assembly in order that any Committee of Inquiry set up should be fully instructed. The Indian delegate strongly supported the arguments of the Arab delegation during the whole of this debate, as indeed he did throughout the proceedings in the General Assembly.

On the third day the Committee met all day and far into the night before a vote could be taken. Eventually the Committee, by a vote of one affirmative (Egypt)—the other Arab States not having seats on this Committee—eight against, and five abstentions (including the U.S.S.R. and Poland) decided against recommending the inclusion of the Arab item in the agenda.

On the following day, 1 May, the report of the General Committee was conveyed to the plenary session of the Assembly, and the Arab States recommenced their battle for the inclusion of their item, claiming also the right to discuss the whole question of Palestine, and therefore the termination of the mandate, in the debate on the first item—that proposed by the United Kingdom.

Throughout this debate the President ruled that speakers must keep to the procedural matter in question, and must not deal with the substance of the problem of Palestine. Eventually he suggested a form of resolution approving the inclusion of the United Kingdom item on the agenda in the following terms:—

“THE GENERAL COMMITTEE,

“Having considered the item on the provisional agenda entitled ‘Constituting and instructing a Special Committee to prepare for the consideration of the question of Palestine at the Second Regular Session,’

“Recommends that the item be placed on the agenda of the General Assembly, and that it be referred to the First Committee.”

The Canadian representative, who was elected Chairman of the First Committee, questioned the value of referring the item to his Committee, and was supported by the Egyptian delegate. The President, however, pointed out that under Rule 109 all items on the agenda must be referred to a Committee unless the General Assembly itself decided otherwise. Unfortunately, this point was not pressed, and what looked like an opportunity to save considerable time was lost. All the arguments adduced in the General Committee were repeated in the following plenary sessions, again in the First Committee, and once more in the final plenary sessions.

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The United Kingdom item was approved without a roll call, but on the second item—that proposed by the Arab States—the following countries, in addition to the five Arab delegations—voted for the acceptance of the item on the agenda: Afghanistan, Argentine, Byelo-Russia, the U.S.S.R., the Ukraine, Yugoslavia, Cuba, India, Iran, and Turkey. Czechoslovakia, Poland, and eight Latin-American countries abstained. Fifteen voted in favour of placing the item on the agenda, 24 voted against, and 10 abstained.

The General Committee was thereupon reconvened in order to deal with the applications of several organizations for permission to attend meetings of the General Assembly and to participate in the discussions. The applications which had by that time been received were from the Jewish Agency for Palestine, the Zionist Organization of America, the Hebrew Committee of National Liberation, and the Political Action Committee for Palestine; subsequently additional applications were received and disposed of as indicated later in this report.

No application from any non-governmental Arab group was then before the Committee. The debate resolved itself into a discussion of the propriety of allowing a non-governmental representative to participate in the plenary session of the General Assembly, a proposal with this end in view having been introduced by Poland and strongly supported by the other Slav delegations.

After the defeat of a resolution, proposed by the Polish delegation and supported only by Czechoslovakia and the U.S.S.R., that the Assembly decide to invite the Jewish Agency for Palestine to appear before the plenary meeting of the General Assembly, a United States proposal, somewhat amended at the suggestion of the United Kingdom representative, was passed, recommending the Assembly to refer this and all other communications later received to the First Committee for its decision.

The report of the General Committee was referred to the Assembly on Saturday, 3 May, immediately after the welcome to the President of Mexico. At this time the delegate of New Zealand addressed the Assembly. While not directly challenging the ruling of the President that in the discussion of the United Kingdom agenda item the Assembly would be able to discuss the entire substance of the problem of Palestine, he nevertheless urged the Assembly and its Committees to do no such thing. He adduced three reasons why such a course would be improper and unwise. Firstly, the delegates to that meeting of the General Assembly were neither adequately instructed nor adequately informed to undertake such a discussion, having been instructed solely on the question of the establishment of a Committee of Inquiry. With regard to the arguments brought forward by some delegations that such a wide discussion was necessary in order properly to instruct the Committee, he said that the New Zealand delegation considered that the Committee should be given the simplest terms of reference in order

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to ensure that it had the widest possible authority to investigate every aspect of the situation. In the second place, it would be manifestly unjust and illogical to allow full discussion on the subject when only one of the contending groups was represented at the Assembly. Whatever might be done to hear representatives of the second group they could not be accorded equal rights. If the Committee of Inquiry were given the widest possible order of reference, then all parties would have the fullest possible opportunity of expressing their views before that Committee. Finally, the New Zealand delegate stated that if it were agreed that no decision could be reached at the special meeting of the Assembly, then there could be no object whatsoever in embarking upon a discussion of the substance of the dispute, the only object of which could be to reach a decision in advance of the evidence.

In concluding his address the New Zealand delegate urged that every one concerned should strive to establish an atmosphere of peace and tranquillity during the whole period between the special meeting of the Assembly and the final decision of the General Assembly after receiving the report of the Committee of Inquiry. That was a plea which should be unanimously sponsored by the Assembly, supported by every Government, broadcast throughout the world, emblazoned on every journalistic headline, endorsed in every pulpit, repeated in every school, and adopted by every public speaker on this great and solemn problem: that all right-thinking people throughout the world should so comport themselves during the next few pregnant months as to ensure that the inquiry could be conducted in that atmosphere of calm and peace which alone could enable the task to be performed and a solution to be attained which would bring justice to all and relief to suffering humanity. All hands should be held, all voices stilled, except in considered and responsible argument before the Committee which was to be established. The New Zealand delegate most solemnly urged magnanimity, patience, and moderation on the part of all so that a true truce of God could be established during the months to come; that all would refrain from any form of provocation or exacerbation, by word or by deed, in their consideration of this great and agonized human problem. The New Zealand delegate expressed the hope that for that brief period at least—and he hoped for all time—passions would be stilled; that all would look forward, not backward. In no other way could the United Nations fulfil its high and onerous responsibility. In no other way could mankind prove itself worthy of humanity.

During the debate on the report of the General Committee the Polish delegation again introduced its resolution which had been defeated in the General Committee, and the whole question of the propriety of admitting outside organizations to participate in the proceedings of the General Assembly was debated again at length. The Slav delegations contended that if, as the United States delegation argued, there was

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no provision in the Charter or in the rules authorizing such procedure, there was also nothing to deny that right. The first week of the Assembly came to an end with this question of procedure still under debate.

An incident occurred at this stage which caused considerable difficulties later. The President endeavoured to press the Assembly to continue on into the evening and, if necessary, through Sunday in order to reach a decision on the question. A motion to adjourn was, however, introduced and carried by delegates wearied by the lengthy sessions of the week, and during the discussion of this motion the President stated, without any very great emphasis, that he had eight speakers on his list, and that after the Assembly adjourned he would consider the list settled and he would allow no additional speakers when the debate resumed.

On the following Monday two other resolutions and several informal proposals were introduced on the same subject, leading to considerable complications of procedure, and during the morning an application was received from the Arab Higher Committee asking for permission to attend and to be heard on the Palestine problem. Later in the day, at the suggestion of the President, three Slav and four Latin American delegations submitted the following resolution, compounded from their various resolutions and suggestions :—

“ THE GENERAL ASSEMBLY RESOLVES

“ 1. That the First Committee grant a hearing to the Jewish Agency for Palestine on the question before the Committee.

“ 2. To send to that Committee for its decision those other communications of a similar character from the Palestinian population which have been received by this Special Session of the General Assembly or may later on be submitted to it.”

The President endeavoured throughout this debate to reduce the discussion, and eventually, when eight speakers had addressed the plenary session, announced that the list of speakers settled at the conclusion of the previous day's session had been exhausted and no further speakers could be heard. On a point of order the Chairman's ruling was strongly contested by the Arab delegations, some claiming that they had asked for the floor and had believed that their names were among those recorded by the Chairman at the previous meeting, but the President took a vote of the Assembly which, on a show of hands, defeated a proposal to reopen the debate by a vote of 32 to 12, the New Zealand delegation voting *for* the reopening of the debate on the ground that new matter had been introduced.

The compromise resolution proposed by the Slav and Latin American delegations was then carried, 44 being in favour, 7 against, and 3 abstaining, and Turkey and Afghanistan voting with the Arab group against the proposal.

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The First Committee, under the chairmanship of the Canadian delegate, held its first meeting on the following morning, the meeting having been moved from Flushing Meadows to Lake Success in order to obtain the advantage of simultaneous translation. The representative of Mexico was appointed Vice-Chairman of the Committee, and the representative of Denmark Rapporteur.

The United States delegation introduced a resolution in the following terms:—

“ 1. That arrangements be effected by the Chairman, before this Committee takes final action with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to what the terms of reference of the Special Committee to be set up by this Session of the Assembly should be.

“ 2. That the recommendations of the delegation of the mandatory be taken into consideration by this Committee in determining whether an organization maintaining that it represents considerable elements of the population of Palestine should be allowed to appear before the Committee.”

Alternative 2: “ That no organization shall be considered to be representative of a considerable element of the population of Palestine and therefore eligible to appear before this Committee unless this Committee receives a statement from the delegation of the mandatory for Palestine to the effect that this organization is representative of a considerable element of the population of Palestine.

“ 3. That no organization be permitted to express its views with regard to the substance of the Palestine problem before this Committee; that any organization which desires to express views of this character should apply for hearing to the Special Committee which it is the purpose of this Session of the General Assembly to establish.”

The Argentine delegation introduced the following resolution:—

“ Draft resolution concerning the implementation of the resolution adopted by the General Assembly at the seventy-fifth plenary meeting. The First Committee resolves:—

“ 1. To grant a hearing to:

“ (a) The Jewish Agency of Palestine.

“ (b) The representative of the Arab population of Palestine.

“ (c) The representative of the Jewish population of Palestine.

“ 2. All hearings will be about the appointing and instructing a Special Committee of inquiries on the political future of Palestine; to report to the next regular General Assembly.”

The Chairman announced that he had received a telegram from the Palestine Arab group as follows:—

“ We have the honour to refer to our letter dated 5 May requesting to be heard on the Palestine problem and to convey to you the following. Our request, which was submitted on behalf of the ARAB of Palestine, who constitute the great majority of the population of the country, was sent with other requests to the First Committee

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for decision, while the request of the Jewish Agency, which represents an alien and imposed minority, was accepted directly by the General Assembly. This is not in keeping with the position and rights of the Arabs of Palestine nor with the principles of justice and democracy. Although the Palestine Arab delegation cannot believe that such was the intention of the honourable members of the General Assembly, yet the fact and implication of the resolution are such that the Palestine Arab delegation, whilst reserving its future attitude, finds no alternative but to withdraw its request for a hearing. At the same time, we wish to put it on record before the United Nations that the Arabs have never recognized and will never recognize the mandate over Palestine or any act or body deriving from it. We shall be grateful to Your Excellency if you will convey this communication to the General Assembly."

After some debate this communication was interpreted as a withdrawal of the application of the Arab Higher Committee to be heard. The Chairman also announced that the President of the General Assembly had, in terms of the decision of the plenary session, telegraphed to the Jewish Agency that a hearing would be granted to that organization. The attention of the Committee was then immediately concentrated on the situation created by the action of the Arab Higher Committee. Discussion of their representation was given priority over other matters of business, and delegates made it clear that throughout the proceedings it had always been considered that the representatives of the Arabs should have equal facilities with the representatives of the Jews when presenting their case to the Committee.

The Iraqi delegate, however, pointed out that the action of the President in determining the debate in the plenary session of the previous day had prevented him from raising this very question, and it became clear that the Committee desired to remedy what was generally accepted to have been an error in the procedure of the previous day.

Eventually a resolution, in the drafting of which the majority of delegates took part, was passed in the following terms:—

" THE FIRST COMMITTEE RESOLVES :

" 1. To grant a hearing to the Jewish Agency of Palestine and the Arab Higher Committee of Palestine.

" 2. That arrangements be effected by the Chairman, before this Committee takes any final decision with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, The Arab Higher Committee, as representative of the views of the Arab population, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to the constituting and instructing of the Special Committee to be set up by this Session of the Assembly.

" 3. That a sub-committee of five members, consisting of representatives of Colombia, Poland, Iran, Sweden, and the United Kingdom, shall be established to advise the Committee whether any other organization represents a considerable element of the population of Palestine."

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It will be noticed that the resolution also deals with the scope of the subject-matter on which the Jewish and Arab organizations would be permitted to make representations, and, indeed, the Committee felt so confident that it had met the Arab point of view that the utmost attention was devoted to this subject. The meeting for that day closed on a note of satisfaction expressed by the delegate for the Lebanon, who thanked the Committee for the generous sentiments expressed towards Arab participation.

On the following morning, however, the Committee's complacency was rudely shaken by an announcement by the Indian delegate, during the course of a debate on quite another subject, that the resolution passed on the previous day was not likely to cause the Arab Higher Committee to reverse the withdrawal of its application to participate. The Jewish Agency had been invited by the General Assembly, but the Arab Higher Committee only by the First Committee. He requested and moved that it be proposed to the President of the General Assembly "that a plenary meeting be called at once to consider the following resolution, 'That the First Committee grant a hearing to the Arab Higher Committee on the question before the Committee.'"

This motion was not debated at great length, probably because of the atmosphere of urgency and exasperation about the whole situation. The delegate of South Africa expressed the point of view that such a procedure would reduce the proceedings of the United Nations to a farce, the Committee having passed the resolution and then proceeding to the Assembly to ask authority to do so. The Australian delegate, on the other hand, expressed the opposite point of view, that the whole difficulty had arisen from the closing of the debate in the plenary session when the course of that debate had changed completely, and that the Assembly was itself responsible for the situation with which it was faced. He urged that the Committee should take the graceful course and retrace its steps, placing the Arab and Jewish organizations on exactly the same plane. On a show of hands the resolution was carried by a large majority, although nearly half the delegates abstained, as the fairest way out of a situation that should never have arisen. The New Zealand delegation voted for the resolution.

The President of the General Assembly, on taking the chair vacated by the Chairman of the First Committee, refused to call a plenary session as requested unless he had the support of the General Committee, and a long session of the latter committee ensued, from which there emerged the following compromise resolution:—

"The General Assembly affirms that the decision of the First Committee to grant a hearing to the Arab Higher Committee gives a correct interpretation of the Assembly's intention."

This resolution was adopted by the Assembly by 39 votes in favour, 1 against, and 11 abstentions.

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The First Committee then resumed its sittings, and the Chairman reported that he had advised the Arab Higher Committee of the decision of the General Assembly, and suggested that that Committee might desire to reconsider the withdrawal of its request to be heard. The representatives appointed by the Jewish Agency—Mr David Ben Gurion, Dr Abba Hillel Silver, Mr Moshe Shertok, Dr Hayim Greenberg, Mrs Rose Halprin, Dr Nahum Goldman, Dr Emanuel Neumann—were reported as ready to attend the Committee, and, after some discussion as to the procedure to be adopted, it was agreed that representatives of the Jewish Agency could come to the table to make a statement or statements, that they should then withdraw from the table, and that the delegates could ask either oral or written questions which the spokesmen for the Jewish Agency would answer either immediately or later, as they chose. Dr Abba Hillel Silver then took a seat at the Committee table, and made his statement on behalf of the Jewish Agency. This statement, together with supplementary statements made on behalf of the Jewish Agency, appears as Annex A to this report.

Questions (which are also contained in Annex A) were asked by the delegates of India, Poland, Colombia, and South Africa, and all complimented Dr Silver on the very moderate and precise address which he had made to the Committee. It was arranged that questions would be answered at a later period.

The Committee then resumed its general discussion on the constituting and instructing of the Committee of Inquiry on which it had before it three resolutions—one by the United States, one by Argentina, and a third by El Salvador, in the following forms:—

“ DELEGATION OF THE UNITED STATES: DRAFT RESOLUTION CONCERNING THE ESTABLISHMENT OF A COMMISSION OF INQUIRY ON PALESTINE (Document A/C.1/150)

“ Whereas the General Assembly of the United Nations has been called into Special Session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of the future Government of Palestine.

“ THE GENERAL ASSEMBLY RESOLVES:

“ To establish a Commission of Inquiry on Palestine consisting of one representative of each of the following Governments: Canada, Czechoslovakia, Iran, Netherlands, Peru, Sweden, Uruguay;

“ To instruct the Commission

“ To assemble, analyse, and collate all pertinent data on the question; to receive testimony from interested Governments and from such non-governmental organizations and individuals as the Commission in its discretion may deem appropriate; to study the various issues which are involved and to submit to the next Regular Session of the General Assembly such proposals for the solution of the problem of Palestine as it may determine to be useful for the effective consideration of the problem by the General Assembly.

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" To authorize the Commission, in consultation with the Secretary-General with a view to ensuring adequate administration services and economy, to sit wherever it may consider necessary or desirable for the fulfilment of its functions ;

" THE GENERAL ASSEMBLY

" Requests the Mandatory Power, and other members, to make available to the Commission, on its request, any pertinent data or factual information which it believes may be useful in the preparation of its report ;

" Requests the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Commission may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Commission ;

" Authorizes the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each government represented on the Commission on such basis and in such form as he may determine most appropriate in the circumstances.

" Authorizes the Secretary-General to advance from the Working Capital Fund such funds as may be required to finance the expenses of the Commission without regard to existing limitations on such advances."

" DELEGATION OF ARGENTINA : DRAFT RESOLUTION CONCERNING A SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/149)

WHEREAS

" The General Assembly has recognized the necessity of appointing a Committee to investigate the political situation in Palestine, so that this question may be considered by the Second Regular Session of the General Assembly of the United Nations ;

" It is advisable that the said Committee be a small one, provided that proportional geographical representation is insured to the States members according to their distribution throughout the five continents ;

" In addition, the powers of this Committee should be defined in order that its recommendations to the next Regular Assembly may have all the authority which only the General Assembly may confer ;

" In view of their responsibility, the five countries permanently represented on the Security Council may not be excluded from this Committee ;

" The majority of the population of Palestine is of Arab origin, and the United Nations cannot ignore the special interest which this question presents to the five States members of the same origin ;

" It is strictly just to hear the minority of Jewish origin living in Palestine, with due regard to any right vested in the Jewish Agency.

" Therefore, the First Committee for Political and Security Questions has decided to recommend the following decision to the General Assembly :

" THE FIRST SPECIAL SESSION OF THE GENERAL ASSEMBLY RESOLVES :

" 1. To appoint an Investigating Committee to study the situation in Palestine in order to enable the Second Regular Session of the General Assembly to consider the question when it begins its duties on 16 September next :

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" 2. The said Investigating Committee shall consist of eleven members—namely, China, France, Union of Soviet Socialist Republics, the United Kingdom, the United States, one State chosen by lot from among Egypt, Iraq, Lebanon, Saudi Arabia, and Syria, and five further States chosen by lot in the following manner:

- " (a) Three from States of the American Continent other than the United States of America ;
- " (b) One from the States of the Pacific : Australia, New Zealand, the Philippine Republic ;
- " (c) One from the States of the African Continent : Ethiopia, Liberia, the Union of South Africa, in the event of Egypt not having been chosen by lot to represent the Arab States ;
- " (d) One from the States of the Continent of Asia : Afghanistan, India, Iran, Siam, and Turkey, in the event of Egypt having been chosen by lot to represent the Arab States.

" 3. The Investigating Committee shall have the widest powers both to record facts and to make recommendations.

" 4. The Investigating Committee shall hear the United Kingdom as the mandatory Power in Palestine.

" 5. The Investigating Committee shall hear one representative of the Arabs resident in Palestine, one representative of the Jews resident in Palestine, and one representative of the Jewish Agency.

" 6. The Investigating Committee shall conclude its work not later than 1 September, 1947, and shall transmit its report to the Secretary-General for inclusion in the agenda of the Second Regular Session of the General Assembly of the United Nations."

" DELEGATION OF EL SALVADOR : DRAFT RESOLUTION CONCERNING THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/56)

THE GENERAL ASSEMBLY OF THE UNITED NATIONS,

" RESOLVES, To entrust to the Special Committee the study of the situation in Palestine in order to propose to the General Assembly of the United Nations at its next ordinary meeting of this year the solution or solutions which it may deem most convenient to insure to Palestine the destiny which it deserves, in accordance with the aspirations of its people.

" 2. The Special Committee shall give most careful consideration to the interests of the different groups of population in Palestine, the Arabs and the Jews included, and also to the interests of the Christian world, in the Holy Land and of the Christian population of Palestine.

" 3. The Special Committee shall bear in mind the fact that the ultimate purpose of any plan for the future of Palestine should be the freedom and independence of this nation at the most appropriate time."

In this general debate, which lasted over two days, practically every delegate stressed the importance of establishing a Committee with wide terms of reference, with full power to make all inquiries and study all aspects of the question, and composed of members who were impartial and independent. A considerable body of opinion believed that the last factor could be secured only if the five permanent members

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of the Security Council were not members of the Committee. The Venezuelan delegate, speaking on the Argentine motion in which provision was made for the inclusion of these five members, specifically asked the United Kingdom and United States delegates whether they believed their country should be represented on the Committee. The United Kingdom delegate, in one of his very rare interventions in the debate, stated that, as a good member of the United Nations, the United Kingdom Government would not refuse to serve on the Committee if asked. But he reminded the Committee that his Government might in that case find itself at times in the witness stand, and later on the jury, and it would find this a somewhat embarrassing and difficult position.

The United States delegate, in his reply, said that his fear was that opposing views in debate among the permanent members of the Security Council, if they were on the Committee of Inquiry, would cause delay, by the intrusion of other interests which were perfectly obvious here, and which were constantly arising on mere detail. He believed that the probability of arriving at an immediate decision would be greatly enhanced by having that Committee set up as nearly free as possible from those strong adverse interests which they constantly ran into when permanent members participate in a decision. They recognized their responsibility and would face it, but it would come at the right time, which would be after this preliminary investigation and in the reviewing of the facts.

The Soviet delegate (Mr Gromyko), on the other hand, strongly urged that the permanent members of the Security Council should be members of the Committee of Inquiry for two principal reasons—firstly, he believed that they had in this matter a responsibility which they could not avoid, and that it was their duty to accept that responsibility and take part in the proceedings of the Committee from its inception; secondly, he urged that no settlement of the Palestine question would be satisfactory, or indeed possible, unless it was supported by agreement among the five permanent members.

During this debate the Chairman announced that he had received a telegram from the Palestine Arab delegation indicating that the Arab Higher Committee would be glad to appear before the First Committee. At this stage in the debate the Committee had before it not only the three resolutions from the Argentine, United States, and El Salvador, but also many suggestions for amendment submitted by other members. The Chairman pointed out that there was not a great deal of difference among these proposals, and suggested the appointment of a sub-committee which might endeavour to redraft the proposal, and the following members were appointed: Argentine, Australia, China, Czechoslovakia, Egypt, El Salvador, France, the United Kingdom, the United States, and the U.S.S.R. The Chairman was added to the Committee at the request of several members.

At the next meeting the Chairman of a sub-committee which had been appointed to consider the communications from non-governmental

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organizations presented its report in the following terms (Document A/C.1/64) :—

“ The First Committee, at its forty-seventh meeting, decided to appoint a sub-committee, composed of the representatives of Colombia, Poland, Iran, Sweden, and the United Kingdom, and entrusted it with the task of advising the Committee whether any organization other than the Jewish Agency for Palestine and the Arab Higher Committee of Palestine represented a considerable element of the population of Palestine.

“ The sub-committee held two meetings, on 7 May and 9 May, under the chairmanship of Mr Hagglof, delegate of Sweden. In these two sessions the sub-committee examined the following requests sent in to the Secretariat of the United Nations before midnight on 8 May : Agudas Israel World Organization ; Political Action Committee for Palestine ; Progressive Zionist District 95 of New York, Zionist Organization of America ; Hebrew Committee of National Liberation ; Committee for Freedom of North Africa ; Palestine Communist Party Central Committee ; Institute of Arab American Affairs ; Young Egypt Party ; League for Peace with Justice in Palestine ; Union for the Protection of the Human Person ; United Israel World Union, Inc. ; Church of God, Faith of David, Inc. ; Catholic Near East Welfare Association.

“ The sub-committee took note of the fact that the First Committee had already decided to grant a hearing to the two main organizations representative of the population of Palestine—*i.e.*, the Jewish Agency for Palestine and the Arab Higher Committee of Palestine.

“ The sub-committee found, after careful consideration :

“ (a) That some of the requests originated with organizations established outside Palestine and do not directly represent the population of that country ;

“ (b) That the other requests emanate from organizations which, although established in Palestine, do not, in the opinion of the sub-committee, represent a sufficiently considerable element of the population of Palestine to justify the recommendation of a hearing before the First Committee.

“ In consequence, the sub-committee has decided unanimously to advise the First Committee not to grant a hearing to the organizations which have lodged applications.

“ It is the understanding of the sub-committee, however, that this decision does not exclude the possibility of all these organizations being heard by the committee of investigation once it has been established.”

The report of this sub-committee was adopted without discussion, and the sub-committee appointed to reconcile the various proposals for the terms of reference submitted its draft text for discussion, which was in the following terms (Document A/C.1/165) :—

“ Whereas the General Assembly of the United Nations has been called into Special Session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of the future government of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES :

“ 1. That the Special Committee shall have the widest powers to ascertain and record facts,

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" 2. That it shall receive testimony, by whatever means it considers appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may wish to consult,

" 3. That the Committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country,

" 4. That it shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine.

" 5. That its report shall be communicated to the Secretary-General if possible by 15 August, 1947, but in any event not later than 1 September, 1947, in order that it may be circulated to the member States of the United Nations in time for consideration by the Second Regular Session of the General Assembly.

" 6. That the Special Committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Jewry, and Christendom."

The paper prepared by the sub-committee had no sooner been submitted when the Soviet delegation submitted an alternative paper, and eventually several other papers were also produced—by India, by the Philippines, by Iraq, and by Poland—and an endeavour was made to resolve the differences between the texts, which are as follows:—

" DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS :
AMENDMENT TO THE DRAFT RESOLUTION OF SUB-COMMITTEE 6
CONCERNING THE TERMS OF REFERENCE FOR A COMMITTEE OF
INQUIRY ON PALESTINE (Document A/C.1/166)

" The first, second, and third paragraphs of the Sub-committee's draft resolution should be replaced by the following text :

" 1. To study in detail the situation in Palestine by carrying out investigation on the spot,

" 2. To assemble, to analyse, and collate all data relating to the question ; to receive written and verbal testimony from interested Governments and such non-governmental organizations and individuals who will wish to give the testimony and whom the Commission will deem appropriate to grant a hearing ; to study various other issues connected with the problem of Palestine,

" 3. To prepare and submit to the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Commission will consider useful, including a proposal on the question of establishing without delay the Independent State of Palestine."

" DELEGATION OF INDIA : PROPOSAL FOR INCORPORATING RESOLUTION CONCERNING THE TERMS OF REFERENCE FOR SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE AS AGREED BY SUB-COMMITTEE 6 FOR DISCUSSION BY THE FIRST COMMITTEE (A/C.1/165, DATED 9 MAY), WITH AMENDMENT TO THE DRAFT RESOLUTION SUGGESTED BY U.S.S.R. DELEGATION (A/C.1/166), (Document A/C.1/167)

" Whereas the General Assembly of the United Nations has been called into a Special Session for the purpose of constituting and

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instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of the future government of Palestine.

“ THE GENERAL ASSEMBLY RESOLVES :

“ 1. That the Special Committee shall have the widest powers to ascertain and record facts, and study in detail the situation in Palestine by carrying out investigation on the spot.

“ 2. That it shall receive testimony, by whatever means it considers appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may wish to consult,

“ 3. That the Committee shall bear in mind the principle that independence for the population of Palestine should be the primary purpose of any plan for the future of that country,

“ 4. That it shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine,

“ 5. To prepare and submit to the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Commission will consider useful, including a proposal on the question of establishing without delay the Independent State of Palestine.”

“ DELEGATION OF THE PHILIPPINES: PROPOSAL TO CONSOLIDATE AND AMEND THE PROPOSED TERMS OF REFERENCE OF THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE AS CONTAINED IN THE DRAFT RESOLUTION SUBMITTED BY SUB-COMMITTEE 6 (A/C.1/165), THE AMENDMENT SUBMITTED BY THE DELEGATION OF U.S.S.R. (A/C.1/166), AND THE PROPOSAL SUBMITTED BY THE DELEGATION OF INDIA (A/C.1/167), (Document A/C.1/168)

“ Whereas the General Assembly of the United Nations has been called into Special Session at the request of the Government of the United Kingdom for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of the future government of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES :

“ 1. That a Special Committee be created for the above-mentioned purpose consisting of the representatives of

“ 2. That the Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine,

“ 3. That it shall conduct investigations on the spot and receive written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may deem proper to grant a hearing,

“ 4. That the Special Committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country,

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" 5. That it shall consider what measures need to be taken to ensure peace, justice, and harmony among the people of Palestine preparatory to its emergence as an independent and democratic State,

" 6. That it shall give most careful consideration to the religious interests in Palestine of Islam, Jewry, and Christendom,

" 7. That the Special Committee shall prepare and submit a report of its findings and recommendations, not later than 1 September, 1947, to the Secretary-General, who shall circulate copies thereof to the member States of the United Nations in time for consideration by the Second Regular Session of the General Assembly."

" DELEGATION OF IRAQ: PROPOSAL CONCERNING THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/169)

" Whereas the General Assembly of the United Nations has been called into Special Session at the request of the Government of the United Kingdom for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of the future government of Palestine,

" THE GENERAL ASSEMBLY RESOLVES :

" 1. That the Special Committee shall have the widest powers to ascertain and collect facts relevant to the future government of Palestine,

" 2. That it shall examine the development of the situation in Palestine, in the light of the purposes and principles of the Charter, with a view to assessing rights and claims,

" 3. That it shall receive testimony by whatever means it considers appropriate from Governments and non-governmental agencies and individuals as it deems fit to consult,

" 4. That the Committee shall be guided by the principle that the independence of Palestine is the primary purpose of any plan for the future government of that country,

" 5. That the Committee shall consider in its study on the future government of Palestine, the bearing of the situation in Palestine on international co-operation, peace, and security in the Middle East."

" DELEGATION OF POLAND: AMENDMENT TO THE DRAFT RESOLUTION OF SUB-COMMITTEE 6 ON THE TERMS OF REFERENCE FOR THE COMMITTEE OF INQUIRY ON PALESTINE (Document A/C.1/170)

" First paragraph to read :

" That the Special Committee shall have the widest powers to ascertain and record facts and study in detail, the situation in Palestine by carrying out an investigation on the spot and elsewhere whenever necessary, including the displaced persons camps and Cyprus.

" Paragraph 3 to read :

" That it shall prepare and submit for the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Committee will consider useful, including a proposal on the question of establishing by the United Nations the independent, democratic State of Palestine.

" Paragraph 6 to read :

" That the Committee of investigation shall give most careful consideration to the rights of the Arab people and the Jewish people in Palestine and also to the religious interests in Palestine of Islam, Jewry, and Christendom."

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At this stage a representative of the Jewish Agency, Mr Moshe Shertok, appeared before the Committee and gave his observations on the draft terms of reference for the Committee of Inquiry. This statement is attached in Annex A.

During the debate which followed this statement the delegate for the Lebanon reminded the Committee that during the opening session of the General Committee the United Kingdom representative had promised at the proper time to make a statement regarding the attitude of the United Kingdom towards the ultimate proposals that would emerge from the investigations of the contemplated Committee. The United Kingdom delegate elected to answer immediately, and opened by reminding delegations that on the Security Council the United Kingdom Government not only had gone to great lengths to avoid exercising the right of veto, but had in fact avoided ever exercising it. But they had tried for years to solve the problem of Palestine and had brought it to the United Nations in the hope that it could succeed where the United Kingdom could not. If the United Nations could find a just solution which would be accepted by both parties it could hardly be expected that the United Kingdom would not welcome such a solution. All he could say was that his Government should not have the sole responsibility for enforcing a solution which was not accepted by both parties, and which the United Kingdom Government could not reconcile with its conscience. He suggested that this question might just as well be addressed to all other members of the United Nations.

The representatives of the Arab Higher Committee, whose spokesman now took his place at the Committee table, were Mr Emil Ghouri, Rajai Husseini, Mr Henry Katan, Mr Wasef Kamal, Mr Isa Nakhleh, Mr Rasem Khalidi. Mr Henry Katan made a statement on behalf of his Committee, which is attached in Annex B to this report. The same questions were addressed to him by the delegates for India and Poland, and additional questions were asked by the delegates for Guatemala and Colombia and Yugoslavia. These are also set out in Annex B.

On the resumption of the debate there were many drafts before the Committee, and the main theme of discussion was concerned with the two questions—the advisability of including the permanent members of the Security Council on the Committee of Inquiry, and the extent to which, if at all, the Committee should be restricted by mandatory instructions in its terms of reference. The Arab group pursued its theme that the immediate independence of Palestine was an essential condition to be included in the instructions to the Committee, but the majority of the delegates appeared to be averse to both these propositions. The debate produced even more alternative suggestions, and the Committee adjourned at the end of the week only after instructing the sub-committee (enlarged by proponents of new suggestions) to consider all the proposals that had been made and to endeavour to prepare an agreed draft, or, on the points on which agreement was not possible, a draft which included provision for alternative points of view.

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The report of this sub-committee was submitted when the Committee resumed its meetings at the beginning of the third week, and was in the following form :—

“ REPORT OF SUB-COMMITTEE 6 ON THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/171)

“ Sub-committee 6 of the First Committee held its third meeting on Saturday, 10 May, 1947, at 3.00 p.m., and considered the proposal, submitted by the representatives of the Union of Soviet Socialist Republics, India, Philippine Republic, Iraq, and Poland (Documents A/C.1/166, 167, 168, 169, and 170), and its first report to the First Committee (Document A/C.1/165).

“ The following text is submitted by the sub-committee for the consideration of the First Committee. Where the sub-committee was unable to agree unanimously, alternative texts are included.

“ WHEREAS the General Assembly of the United Nations has been called into Special Session in pursuance of the request of the Government of the United Kingdom for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next regular session of the Assembly of the future government of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES THAT :

“ 1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of

“ 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine,

“ 3. The Special Committee shall determine its own procedure,

“ 4. The Special Committee shall conduct investigations in Palestine, and, wherever it may deem convenient, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary.

5A

“ The Special Committee shall bear in mind the principle that independence for the population of Palestine should be the purpose of any plan for the future of that country.

5B

“ The Special Committee shall be guided by the principle that independence for the people of Palestine should be the purpose of any plan for the future of that country.

5C

“ The Special Committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country.

5D

“ The Special Committee shall be guided by the principle that the independence of Palestine should be the purpose of any plan for the future of that country.

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6A

" The Special Committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Judaism, and Christianity.

" (the majority of the members of the sub-committee were in favour of the omission of both texts of paragraph 6)

" 7. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine

" (The representative of the Union of Soviet Socialist Republics and the representative of India proposed the addition of the following words to the above: 'including a proposal on the question of establishing without delay the independent democratic state of Palestine')

" 8. The Special Committee's report shall be communicated to the Secretary-General if possible by 15 August, 1947, but in any event not later than 1 September, 1947, in order that it may be circulated to the member States of the United Nations in time for consideration by the Second Regular Session of the General Assembly."

6B

" The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism, and Christianity.

Attention was directed to completion of the terms of reference, the question of the personnel of the Committee of Inquiry being reserved for later discussion. Further statements and answers to questions were received from the Jewish Agency and from the Arab Higher Committee (attached in Annexes A and B). After two days of debate, during which several further proposals were submitted, the Committee agreed upon the terms of reference in the following form:—

" Whereas the General Assembly of the United Nations has been called into Special Session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly of a report on the question of Palestine,

" THE GENERAL ASSEMBLY RESOLVES THAT :

" 1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of

" 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine.

" 3. The Special Committee shall determine its own procedure.

" 4. The Special Committee shall conduct investigations in Palestine, and, wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary.

" 5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism, and Christianity.

" 6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine.

" 7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September, 1947, in order that it may be circulated to the members of the United Nations in time for consideration by the Second Regular Session of the General Assembly."

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It is necessary, however, to mention some points on which there was very considerable discussion. On clause 4 the Polish delegation, supported by the South African delegation, urged that special provision should be made for investigation of the displaced persons camps in Europe, and the Arab group, equally strenuously, endeavoured to have inserted an express direction that these camps should be excluded from the consideration of the Committee. The final words "in Palestine and wherever it may deem useful" were inserted with the support of the majority, which on this, as on all other points, believed that the Committee of Inquiry should not be restricted in any way, but should have every authority to consider such questions as it found necessary. Four alternatives were proposed for the clause relating to the independence or the ultimate independence of the population or people of Palestine.

The debate at this point was disturbed by a vigorous statement by the delegate for the Lebanon in which he said, in relation to the national aspirations of the Jewish people: "taking the small land of Palestine which has its Arab quality and character, and introducing people there and making them a majority, thereby creating a state of people coming from abroad, is certainly a matter of careful consideration and a matter of war which in normal times cannot be solved except by fighting."

The United States delegation submitted a further alternative clause for the terms of reference in the following sense:—

"The Special Committee, in studying the future government of Palestine, shall give full consideration to guarantees of the rights necessary to the peace and independence of its people."

This version appeared to give considerable difficulty to most delegations, and its clarity was not assisted by an amendment proposed by the Soviet delegation, which would alter it to read:—

"The Special Committee, in studying the problem of Palestine, shall give full consideration to guarantees of the rights of its peoples necessary to the peace and independence of that country,"—

a version which the United States delegation was at first inclined to accept and later rejected.

After a lengthy debate, the French delegate, with the active support of the Australian and New Zealand delegates, proposed that there should be no provision whatsoever on this subject in order to leave the Committee completely free to consider all facts and material in relation to the problem. This proposal was adopted.

On paragraph 5 of the sub-committee's report a similar effort was made to delete any reference to religious interests in Palestine, again in an endeavour to avoid placing restrictions on the Committee. The clause now appearing in the report of the Committee was carried, however, by a substantial majority which included practically all the Latin American delegations.

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The Soviet and Indian delegations endeavoured to have the question of independence reintroduced in clause 7 of the sub-committee's report, which now appears as clause 6 of the First Committee's report, but this effort was also defeated.

When it came to the allocation of members to the Committee of Inquiry, Committee I had before it the original United States resolution proposing Canada, Czechoslovakia, Iran, the Netherlands, Peru, Sweden, Uruguay; a Chilean resolution adding to those seven Guatemala and Yugoslavia; an Australian proposal that the Committee should consist of eleven members, not including the permanent members of the Security Council; a Soviet resolution that it should comprise the members of the Security Council; a further Soviet proposal, suggesting the five permanent members of the Council and six other members—one representing Western Europe, one Eastern Europe, two Latin American States, one Arab State, and one representing the Far East and Africa; and a Polish resolution providing for the five permanent members, two Latin American States, one Arab, one African, one Asian, and One Eastern European. The two Russian and the Polish resolutions were voted on first and defeated by considerable majorities, but with a very large number abstaining. The Australian proposal came next. This was carried by 13 votes to 11, with 29 abstentions. The remarkable number of abstentions was indicative of the doubt raised in the minds of many delegations as to the wisdom of widening the Committee. The nine members proposed by the United States and Chilean resolutions were then voted on, *en bloc*, by a show of hands, and approved, and a suggestion was made by the United States delegation that as two more places were to be filled they might be allocated to two areas which were not adequately represented among the other nine members—Asia and the South Pacific. Those nominated were Siam, India, Australia, and the Philippines. There was considerable argument as to the geographical location of the Philippines, and eventually, at the suggestion of the Chairman, the Philippine delegation elected to be considered for the South Pacific area. In the voting for this area Australia gained 21 votes to 20 for the Philippines, and in the voting for Asia, India was approved by a very large majority over Siam. The New Zealand delegation voted for both Australia and India.

Finally, in view of the apprehension expressed by some delegates that the small vote cast on the Australian motion as to the number of members of the Committee might give an impression that the Committee did not have the support of the United Nations, the resolution as a whole was put to the Committee and carried by a majority of 36, with 10 abstentions.

The plenary session, reconvened on 14 May to receive the report of the First Committee, and although some of the Arab delegates claimed the fulfilment of the President's promise to allow discussion of the

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whole substance of the Palestine problem, this privilege was not widely availed of and the debate in the final plenary session occupied only two days.

The Arab delegations, one by one, again put on record their claim that nothing but one independent State of Palestine would satisfy them, and particularly that the issue of independence should be included in the terms of reference. The Soviet delegate spoke at considerable length reviewing the history of the mandate and quoting from the reports of the Royal Commissions and the Anglo-American Commission. In particular, he referred to the unhappy plight of the Jewish refugees in Europe, and asserted that it would be unjust to deny the right of the Jewish people to a realization of their aspirations for a State of their own. In his opinion the solution most deserving of attention was the creation of a single Arab-Jewish State with equal rights for both races, and if that were unrealizable on account of the deterioration of relations between the Jews and Arabs, the alternative was the division of Palestine into two independent, separate States.

The Polish delegate, in the course of his address, appealed to the Assembly to reintroduce his resolution, rejected in the First Committee, providing for the appointment to the Committee of Inquiry of the five permanent members of the Security Council and six other members, but he did not press this to another vote.

The Syrian delegate broke new ground with a lengthy discourse on the history both of the Jews and the Arabs, taking the Assembly back some four thousand years to what he described as the attack by the Jews against Palestine and its inhabitants, the Arabs then being known as Phillistines. He claimed that very few of those who were now endeavouring to enter Palestine were of the children of Israel or had had any connection with Palestine. Chiefly, he said they were descendants of the "Khazar Dynasty," a tribe of Mongols who settled north of the Caspian Sea but were eventually scattered throughout Eastern Europe when the Russian Empire came into power, and who had adopted Judaism for their religion in the seventh or eighth century A.D.

The Norwegian delegate introduced a resolution which he hoped expressed the views voiced by the New Zealand delegate at a previous plenary session, and which he considered could be accepted without debate. This resolution was slightly amended at the suggestion of the delegate of El Salvador, the final text being as follows :—

"The General Assembly calls upon all Governments and peoples, and particularly on the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine."

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A vote was taken on this resolution by a show of hands, and the President declared the resolution unanimously adopted. He was, however, challenged by the Syrian delegate to announce the detailed voting, and then proceeded to ask for the votes again and the abstentions. The Arab delegations abstained from voting, and the President then announced that the resolution was practically unanimously approved because those who abstained had not voted.

The Indian delegate took the line that although he was somewhat disappointed in the final form of the resolution reported by Committee I, he was still satisfied that the interests of all parties were adequately protected. The Arab group would still be entitled to raise, at the next Session of the General Assembly, the points which they had made in debate and those which they had wished to be included in the terms of reference of the Committee of Inquiry. He appealed to all parties to support the Norwegian resolution, and pointed out, quite correctly, that the first suggestion of an appeal for peace had originated with him.

When the final vote on the resolution establishing the Committee of Inquiry was taken the resolution was divided into two parts, in accordance with Rule 74, a request to that effect having been made by the Ukrainian representative. Part I (the actual membership of the Committee of Inquiry) was carried by 40 votes in favour, 13 abstentions, and no votes against. The abstentions were the Arab and Slav States, together with Afghanistan and Turkey, who had fairly constantly voted with the Arab group. The second vote, on the remainder of the resolution, was carried by 45 votes in favour, 7 against, and 1 abstention. Those voting against were the Arab States, supported by Afghanistan and Turkey, and the abstention was Siam's. The resolution as a whole was carried in its final form by a vote of 45 in favour, 7 against, and 1 abstention, the text being as follows:—

“ WHEREAS the General Assembly of the United Nations has been called into Special Session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next Regular Session of the Assembly a report on the question of Palestine,

“ THE GENERAL ASSEMBLY

“ RESOLVES that :

“ 1. A Special Committee be created for the above-mentioned purpose, consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, and Yugoslavia.

“ 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine ;

“ 3. The Special Committee shall determine its own procedure ;

“ 4. The Special Committee shall conduct investigations in Palestine, and, wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case,

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from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary ;

“ 5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism, and Christianity ;

“ 6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine ;

“ 7. The Special Committee’s report shall be communicated to the Secretary-General not later than 1 September, 1947, in order that it may be circulated to the members of the United Nations in time for consideration by the Second Regular Session of the General Assembly ;

“ THE GENERAL ASSEMBLY

“ 8. REQUESTS the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Committee ;

“ 9. AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternative representative from each Government represented on the Committee, on such basis and in such form as he may determine most appropriate in the circumstances.”

The usual complimentary speeches and votes of thanks to the President, the Chairman of Committee I, and the Secretariat were then carried, and the first Special Session of the General Assembly closed its meeting on Thursday, 15 May.

On the whole, the work of this Special Session of the General Assembly may be said to have been well done. There was considerable apprehension in the early stages lest the discussions on this very delicate, involved, and intractable problem might unnecessarily exacerbate the situation. Though the Assembly was called solely for the purpose of establishing a Committee of Inquiry to ascertain facts and make recommendations for the Regular Session of the General Assembly next September, it was, perhaps, too much to expect that the discussions would be confined solely to that aspect, and, in point of fact, the actual substance of the problem was traversed to a considerable extent both by many of the delegations on the one hand, and by the representatives of the Jewish Agency and the Arab Higher Committee on the other. But, generally speaking, such discussion as there was on the substance of the dispute was moderate and responsible, and though there were—as was almost inevitable in the nature of the subject under review—conspicuous exceptions, the sense of the Assembly was such that they were confined to limits as narrow as possible, and it was the general feeling that the prospects of an earnest and impartial inquiry were prejudiced to a much less degree than might perhaps have been expected. The terms of reference of the Committee of Inquiry are of

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the widest possible order, and the constitution of the Committee is geographically well balanced on similar lines to those contemplated by the Charter for membership of the Security Council. It may fairly be said that, while the decisions of this Special Session of the Assembly are, of course, nothing more than an approach to this extremely difficult problem, it is nevertheless a good approach.

I have, &c.,

C. A. BERENDSEN.

ANNEX A

1. STATEMENT BY THE REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE MADE AT THE MEETING OF THE FIRST COMMITTEE ON 8 MAY, 1947

Dr ABBA HILLEL SILVER : Thank you very much, Mr. Chairman and representatives of the United Nations. I should like to say at the outset that were Mr David Ben-Gurion, Chairman of the Jewish Agency for Palestine, here this morning, he would be making this statement. Unfortunately, the arrival of Mr Ben-Gurion has been delayed. He will be here to-morrow, and I hope that in the course of the deliberations he will have an opportunity to participate here.

Permit me to thank the Assembly of the United Nations for granting the Jewish Agency for Palestine a hearing on the question which is before this Committee. We are grateful for the opportunity to take counsel with you in the matter of constituting and instructing a Special Committee of this body, which is to study the problem of Palestine and to bring in recommendations for the future government of that country. We trust that our participation in these deliberations will be helpful and will prove to be a contribution to the just solution of this grave international problem which this international community is now earnestly seeking. Such a successful solution will prove a blessing not only to Palestine and to all its inhabitants, to the Jewish people, to the cause of world peace, but it will also enhance the moral authority and prestige of this great organization for world justice and peace upon which so many high hopes of mankind now rest. We are pleased that the Palestine problem will now be reviewed by an international body and that the thought and conscience of mankind will now be brought to bear on a situation which heretofore, and for some years now, has been made extremely difficult by unilateral action and by decisions made, presumably within the terms of a mandatory trust, but actually without the sanction or supervision of the international body which established that trust and which defined both its limits and its purposes.

The administration of Palestine has, since the outbreak of the war, been conducted by the mandatory Power as if it were vested with the sovereignty of Palestine; whereas it is assumed to administer that country, of which it was not the sovereign, as a trustee for carrying out the purposes of the mandate which clearly defined its rights and its obligations.

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The problem of Palestine is, of course, of paramount importance to the Jewish people, and that fact, I take it, motivated the General Assembly of the United Nations to extend an invitation to the Jewish Agency of Palestine to present its views. We thank all those who so warmly urged our admission for their goodwill and their gallant action. The Jewish Agency, you will recall, is recognized in the mandate for Palestine as a public body authorized to speak and act on behalf of the Jewish people in and out of Palestine in matters affecting the establishment of the Jewish national home.

It is the only recognized public body in the mandate. It is recognized as such, to quote Article 4, " . . . for the purpose of advising and co-operating with the Administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country."

Under Article 6, the Jewish Agency is entitled, further, to co-operate with the Administration in permitting " . . . close settlement by Jews on the land "; and by Article 11, it is given a preferred status in respect to the construction and operation of public works and the development of the natural resources of the country.

The Jewish Agency, which we have the honour to represent, therefore speaks not merely for the organized Jewish community of Palestine, the democratically elected National Council of Palestine Jews, who are to-day the pioneering vanguard in the building of the Jewish national home ; it speaks also for the Jewish people of the world, who are devoted to this historic ideal, for it was charged, by the same Article 4 of the Mandate, " . . . to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home."

I have spoken of "the Jewish people" and "the Jewish national home." In defining the terms of reference of the Committee of Inquiry which you are to appoint, and in all the Committee's future investigations, these, in my judgment, should be regarded as key terms and basic concepts. They were the key terms and the basic concepts of the Balfour Declaration and of the mandate under which Palestine is, or should be, administered to-day. To proceed without relation to them would be to detour into a political wilderness as far as Palestine is concerned. To treat the Palestine problem as if it were one of merely reconciling the differences between two sections of the population presently inhabiting the country, or of finding a haven for a certain number of refugees and displaced persons, would only contribute to confusion.

The Balfour Declaration, which was issued by His Majesty's Government as a " . . . declaration of sympathy with Jewish Zionist aspiration," declares :—

" His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people."

The mandate, in its preamble, recognized " . . . the historical connection of the Jewish people with Palestine " and " . . . the grounds for reconstituting"—I call your attention to the word "reconstituting"—" their national home in that country."

These international commitments of a quarter of a century ago, which flowed from the recognition of historic rights and present needs, and upon which so much has already been built in Palestine by the Jewish people, cannot now be erased. You cannot turn back the hands of the clock of history.

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Certainly, the United Nations, guided by its great principle, proclaimed in its Charter, "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," can never sanction the violation of treaties and of international law.

Having this and similar situations in mind, a specific provision, you will recall, was written into the chapter of the Charter of the United Nations which deals with territories which might become trusteeship territories, and which is therefore especially applicable to territories now under mandate. This is Article 80 of the Charter, which reads: "Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any States or any peoples or the terms of existing international instruments to which members of the United Nations may respectively be parties."

It is the perspective of your Committee of Inquiry on the entire problem which, in our judgment, will prove decisive. It will give direction and will greatly expedite its work, and its conclusion will prove of constructive significance, if it will keep the proper perspective always in view.

A generation ago the international community of the world, of which the United Nations to-day is the political and spiritual heir, decreed that the Jewish people should be given the right, long denied, and the opportunity to reconstitute their national home in Palestine. That national home is still in the making; it has not yet been fully established. No international community has cancelled or even questioned that right. The mandatory Power, which was entrusted with the obligation to safeguard the opportunity for the continuous growth and development of the Jewish national home, has, unfortunately, in recent years grievously interfered with and circumscribed it. That opportunity must now be fully restored.

When will the Jewish national home be an accomplished fact? The answer to that question may well be given by the man who was Prime Minister of Great Britain at the time when the Balfour Declaration was issued. I am quoting the testimony of Mr. Lloyd George, given before the Palestine Royal Commission in 1937:—

"There could be no doubt," he said, "as to what the Cabinet then had in their minds. It was not their idea that a Jewish State should be set up immediately by the peace treaty. On the other hand, it was contemplated that, when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish commonwealth."

"The notion that Jewish immigration," he continued, "would have to be artificially restricted in order to insure that the Jews would be a permanent minority, never entered into the head of any one engaged in framing the policy. That would have been regarded as unjust and as a fraud on the people to whom we were appealing."

This same answer could also be given by Mr Winston Churchill, who was an important member of the Government which issued the Balfour Declaration; by General Smuts, who was a member of the Imperial

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War Cabinet at the time and who foretold an increasing stream of Jewish immigration into Palestine and "in generations to come, a great Jewish state rising there once more"; by Lord Robert Cecil, and by many others.

American statesmen shared this view of the Jewish national home. Thus President Wilson, on 3 March, 1919, stated: "I am persuaded that the Allied nations, with the fullest concurrence of our own Government and people, are agreed that in Palestine shall be laid the foundations of a Jewish commonwealth."

That the Government of the United States does not now consider the Jewish national home as already established is clearly stated in a letter of President Truman to King Ibn Saud, of Saudi Arabia, dated 29 October, 1946. He wrote:—

"The Government and people of the United States have given support to the concept of the Jewish national home in Palestine ever since the termination of the First World War, which resulted in the freeing of a large area of the Near East, including Palestine, and the establishment of a number of independent States which are now members of the United Nations."

"The United States," wrote President Truman, "which contributed its blood and resources to the winning of that war, could not divest itself of a certain responsibility for the manner in which the freed territories were disposed of or for the fate of the peoples liberated at that time. It took the position, to which it still adheres, that these people should be prepared for self-government, and also that a national home for the Jewish people should be established in Palestine."

"I am happy to note," declared the President, "that most of the liberated peoples are now citizens of independent countries. The Jewish National Home, however, has not as yet been fully developed."

It should, of course, be clear—and I regret that statements made by certain representatives in recent days have tended to confuse what should be clear—that when we speak of a Jewish State we do not have in mind any racial State or any theocratic State, but one which will be based upon full equality and rights for all inhabitants without distinction of religion or race and without domination or subjugation. What we have in mind by the Jewish State is most succinctly stated in a resolution adopted by the British Labour Party in 1945—now represented by the present Government of United Kingdom which requested this Special Session of the United Nations. I am quoting:—

"Here, we halted halfway, irresolutely between conflicting policies. But there is surely neither hope nor meaning in a Jewish national home unless we are prepared to let the Jews, if they wish, enter this tiny land in such numbers as to become a majority. There was a strong case for this before the war, and there is an irresistible case for it now."

When your Committee of Inquiry will come to consider proposals for the future Government of Palestine this inescapable and irreducible factor—the international obligation to ensure the continuous development of the Jewish national home—should be kept, in our judgment, constantly in mind. I believe it would be extremely helpful to the Committee of Inquiry if the mandatory Government would present the account of its stewardship of the Palestine mandate to it rather than wait for the

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next Assembly of the United Nations. It would assist the Committee in thinking through the problem and at arriving at helpful recommendations for the future government of Palestine.

It is illogical, I fear, to ask the Committee of Inquiry to consider the future government of Palestine without first making a thorough study of the present Government to discover what was faulty in the present administration, what neglect and what deviations occurred to have brought about a condition so dangerous and explosive as to necessitate the convoking of a Special Session of the United Nations to deal with it.

I believe that the Committee of Inquiry should most certainly visit Palestine. Written documents are important, but infinitely more instructive are the living documents, the visible testimony of creative effort and achievement. In Palestine they will see what the Jewish people, inspired by the hope of reconstituting this national home after the long weary centuries of their homelessness and relying upon the honour and the pledged word of the world community, has achieved in a few short years against great odds and seemingly insurmountable handicaps. The task was enormous—untrained hands, inadequate means, overwhelming difficulties. The land was stripped and poor, neglected through the centuries. And the period of building took place between two disastrous world wars, when European Jewry was shattered and impoverished. Nevertheless, the record of pioneering achievement of the Jewish people in Palestine has received the acclaim of the entire world. And what was built there with social vision and high human idealism has proved a blessing, we believe, not only to the Jews of Palestine, but to the Arabs and to other non-Jewish communities as well.

That the return of the Jews to Palestine would prove a blessing not only to themselves, but also to their Arab neighbours was envisaged by the Emir Feisal, who was a great leader of the Arab peoples, at the Peace Conference following the First World War. On 3 March, 1919, he wrote:—

“We Arabs look with the deepest sympathy on the Zionist movement. Our deputation here in Paris is fully acquainted with the proposals submitted yesterday by the Zionist organization to the Peace Conference, and we regard them as moderate and proper. We will do our best, in so far as we are concerned, to help them through. We will wish the Jews a most hearty welcome home. I look forward, and my people with me look forward, to a future in which we will help you and you will help us so that the countries in which we are mutually interested may once again take their places in the community of civilized peoples of the world.”

Your Committee of Inquiry will conclude, we are confident, that if allowed to develop uninterruptedly the standards of life which have been developed in Palestine, the concepts of social justice, and the modern scientific method will serve as a great stimulus to the rebirth and progress of the entire Near East, with which Palestine and with which the destinies of the Jewish national home are naturally bound up.

Your Committee of Inquiry should also consider the potentialities of the country which, if properly developed, can, according to the expert testimony of those most qualified to speak on the subject, sustain a population much greater than the present one. Many more projects, which will result in great economic and social improvement not alone in Palestine, but in all the neighbouring countries, are awaiting development pending a satisfactory political solution.

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The Committee of Inquiry should, while in Palestine, also look into the real, the fundamental causes of the tragic unrest and violence which to-day mar the life of the Holy Land to which our Jewish pioneers came, not with weapons but with tools. They will inquire, I am sure, why a peace-loving community, whose sole interest was in building a peaceful home and future for themselves and their children, is being driven to a pitch of resentment and tension and lamentably driving some of its members to actions which we all deplore.

They will ask themselves, I am sure, why shiploads of helpless Jewish refugees—men, women, and children, who have been through all the hells of Nazi Europe—are being driven away from the shores of the Jewish national home by a Mandatory Government which assumed, as its prime obligation, to facilitate Jewish Immigration into that country.

They will also investigate, I hope, how the mandatory Government is carrying out another of its obligations which was to encourage close settlement of the Jews on the land; when, in actual practice, it is to-day severely restricting free Jewish settlement to an area less than 6 per cent. of that tiny country, and is enforcing to-day in the Jewish national home discriminatory racial laws which the mandate, as well as the Charter of the United Nations, severely condemns.

By way of digression, let it be said—if it need be said at all—that we are not engaged, nor shall we be engaged, in any criticism or condemnation of the people of the United Kingdom. We have no quarrel with them. On the contrary, we have the highest regard and admiration for that people and for its monumental contributions to democratic civilization; and we shall never forget that it was the United Kingdom which first among the nations gave recognition to the national aspirations of the Jewish people. It is only a wrong and unjustifiable policy which contradicts and tends to defeat the far-visioned British statesmanship of earlier years which we condemn.

We hope most earnestly that the Committee of Inquiry will also visit the displaced persons camps in Europe and see with their own eyes the appalling human tragedy which mankind is permitting to continue unabated two years—it is exactly two years to-day since VE day—after the close of the war in which the Jewish people was the greatest sufferer.

While Committees of Investigation and study are reporting on their sad plight, and while inter-governmental discussions and negotiations are going on, these war-ravaged men and women are languishing in their misery, still waiting for salvation. They ask for the bread of escape and hope; they are given the stone of inquiries and investigations. Their morale is slumping terribly. A spiritual deterioration, I am afraid, is setting in among them. It is only the hope that to-morrow—perhaps to-morrow—redemption may come that keeps their spirit from breaking utterly. Most of them are desperately eager to go to the Jewish national home. I hope that the conscience of mankind, speaking through you and through your Committee of Inquiry, will make it possible for these weary men and women to find peace at last and healing in the land of their fondest hopes, and that their liberation will not be delayed until the report of the Committee is finally made and the action of the Assembly is finally taken, but that, pending ultimate decisions and implementations, these unfortunate people will be permitted forthwith to migrate in substantial numbers to Palestine.

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There is a desperate urgency about this tragic human problem, my friends, which brooks no delay. An immediate relaxation of the restrictive measures on immigration into Palestine and a return to the status which prevailed before the white-paper policy of 1939 was imposed will not only be a boon to these suffering humans, but will greatly relieve the present menacing tensions in Palestine, will wash out much of the bitterness, and will enable the deliberations of your Committee of Inquiry and of the next Assembly to be carried on in a calmer spirit, in an atmosphere of moderation and good will. We are all eager for peace. We must all make a contribution to achieve it. But the decisive contribution can only be made by the mandatory Government.

I hope that I have not abused your patience, Mr Chairman, and the patience of the representatives of the United Nations here assembled. Permit me to conclude with this observation :

The Jewish people places great hope upon the outcome of the deliberations of this great body. It has faith in its collective sense of justice and fairness and in the high ideals which inspire it. We are an ancient people, and though we have often, on the long hard road which we have travelled, been disillusioned, we have never been disheartened. We have never lost faith in the sovereignty and the ultimate triumph of great moral principles. In these last tragic years, when the whole household of Israel become one great hostelry of pain, we could not have built what we did build had we not preserved our unshakeable trust in the victory of truth. It is in that strong faith and hope that we wish to co-operate with you in this task which you have undertaken.

The Jewish people belong in this society of nations. Surely the Jewish people is no less deserving than other peoples whose national freedom and independence have been established and whose representatives are now seated here. The Jewish people were your allies in the war and joined their sacrifices to yours to achieve a common victory. The representatives of the Jewish people of Palestine should sit in your midst. The representatives of the people and of the land which gave to mankind spiritual and ethical values inspiring human personalities and sacred texts which are your treasured possessions—we hope that people, now rebuilding again its national life in its ancient homeland, will be welcomed before long by you to this noble fellowship of the United Nations.

2. QUESTIONS ASKED OF THE REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE BY VARIOUS DELEGATES

Mr ASAF ALI (*India*) : I shall confine myself very strictly indeed to the statement made by Dr Silver. I must first of all congratulate him on the eloquence of facts and the moderation born of long centuries of suffering. I assure him that truth shall win in the last resort and human conscience will not abandon its function. He will permit me, therefore, to put to him just a few questions which arise out of his statement.

The very first question which I should like to ask him is this : What was the number of Jews from outside in Palestine in 1900, again in 1930, and finally in 1939 when the white-paper of 1939 was issued by the British Government ?

My next question would be whether Dr Silver recognizes the fact that there is a very clear distinction between a Jewish State and a Jewish national home, which is mentioned in the mandate. Does he also recognize the fact that even the statement, to which he made a reference,

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which was made by the representative of the Liberal Government—
or the Labour Party—referred not to a Jewish state, but to a Jewish
national home ?

My third question is concerned with Dr Silver's reference to European
Jewry. Will he be so kind as to provide us with some idea of the age
of the various committees of National Jewry living in Europe, who would
now like to go back to the national home ; how long have they lived in
Europe ; and are they easily assimilable in Palestine ?

My fourth question is as follows : He has made a statement to the
effect that at Paris in 1919 an extremely conciliatory statement was made
by a great Arab leader who welcomed the Jews to Palestine. Is there
any reason why the Arabs are resisting immigration now ?

My fifth question relates to the refugees from Nazi oppression. The
Nazi Government in Europe has been completely suppressed, and Nazi
Germany is now under the control of the Security Council or, at any
rate, the United Nations. If that is so, is there any reason why these
refugees cannot be resettled in their natural German home where they
speak the language of the country and where they find themselves far
more easily assimilable.

My sixth and last question would be about the conditions which are
currently prevailing in Palestine. It is very gratifying to learn that
Dr Silver, on behalf of the Jewish Agency, has recognized the noble
role which the people of the United Kingdom have played in recognizing
the urgency of the Jewish problem. May I know why public servants
of the Government of the United Kingdom, who are doing their duty
under extremely difficult circumstances are being picked off today by
violence ?

Mr FIDERKIEWICZ (*Poland*) : I would like to ask the representative
of the Jewish Agency, Dr Silver, just two questions.

First of all, who represents the Jewish Agency, how many organizations,
how is the Executive Committee established and organized, and how
does it work ?

The second question : Have there been any attempts at collaboration
between the Jews and Arabs in Palestine ?

Sir ALEXANDER CADOGAN (*United Kingdom*) : I am not quite sure,
Mr Chairman, that I shall be in order. I was not strictly intending to
address a question to Dr Silver, but rather to make a comment on a
certain passage in his speech. I should be in a sense perhaps rather
replying to a question he put to me. I did want to make a very short
declaration in one sentence which I thought might be helpful. I merely
wish to say that I would like to dispel any misunderstanding which might
still exist, which may have arisen out of the terms of the letter in which
I had the honour to request the Secretary-General to summon a meeting
of the Special Assembly. In that letter there was a passage stating that
my Government would be prepared to give full and complete information
to the Assembly. I wish to make it quite clear, and formally, that, if
the General Assembly sets up a Special Investigating Committee, my
Government, of course, will be entirely at the disposal of that Committee
and will give all possible information, which will include an account of
their stewardship.

Mr GONZALES-FERNANDEZ (*Colombia*) : I hope to be quite in order.
According to our resolution we are going to hear the views of the different
agencies with regard to constituting and instructing this committee.

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With your permission, I should like to ask Dr Silver not as an element of final judgment for us, but simply as an element of illustration, what the views of the Jewish Agency for Palestine are regarding the composition of the Investigating Committee. We have up to this point two proposals presented in a formal manner and a suggestion presented by another delegation. I should like to know very much the point of view of the Jewish Agency for Palestine, simply as an illustrative element.

Mr ANDREWS (*South Africa*): I would very shortly like to join with my Indian colleague in complimenting Dr Silver on the very moderate, eloquent, and precise address that he has made to this Committee. I am sure that it is going to be extremely helpful to us in our deliberations in considering the question of instructing and setting up this Committee of Inquiry. I would hope, too, that, if we hear any further representatives the high standard which Dr Silver has maintained will be continued before this Committee. I would only ask him one question, and that has relation to the terms of reference which we may be giving this Committee of Inquiry. Dr Silver has referred to the homeless Jews in Europe. If he would be so kind as to help me clarify my own mind, he said that the Committee of Inquiry should look into the condition of the homeless Jews in Europe. I would ask him, does he mean that the Committee of Inquiry should look into that situation as a whole or only in relation to the question of continuing immigration into Palestine?

3. STATEMENT BY MR MOSHE SHERTOK, REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE

Thank you, Mr Chairman, for giving us an opportunity to make a brief statement by way of, first, a preliminary comment on the draft before us. You will appreciate that we have had very little time to formulate a considered opinion on these proposals. I would limit myself to emphasizing a few outstanding points.

The Mandatory Government has submitted the problem of Palestine for the consideration of the present session of the Assembly, in view of a crisis which has unfortunately arisen in the administration of that country. That crisis is the result of the fact that the present policy of the mandatory Government conflicts with its obligations to the Jewish people. The crux of the matter is the problem of Jewish immigration to Palestine.

What is involved in regard to that issue is not merely the rights and interests of the Jews already in Palestine, or of the present inhabitants of the country in general, but also, and primarily, the rights and interests of the Jews outside Palestine who wish and must emigrate.

The formulation before us, we very seriously fear, lends itself open to an interpretation which would go a long way towards prejudging the entire issue which should form the subject of investigation by the Committee to be appointed by this Session of the Assembly. We feel sure that no such prejudging of the issue was intended, but it may be that the implications of certain formulæ contained in the present draft have not been fully realized. We should like to draw, with all respect, the attention of this body to such unintended imperfections of drafting.

We welcome the reference to the mandatory Power in the present draft, because we regard it as implying the position created by the mandate must be fully borne in mind by the Committee. On the other hand, we feel and fear that the language of paragraph 3 limits the issue in a direction which may work to the prejudice of fundamental Jewish

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interests at stake. We naturally agree that independence must be the ultimate goal of the political evolution of Palestine and of its peoples. On the other hand, independence was not the sole purpose for which the present regime in Palestine was established.

The terms of the international trust under which Palestine has been governed—and has to be governed, to our mind, to-day—includes as the primary objective the establishment of the Jewish national home. It is, to our mind, impossible to consider the problem of the independence of Palestine without direct reference, without an organic connection with that primary purpose of the mandate.

We would therefore suggest that a phrase, contained in the original United States Government's proposal for the terms of reference, and which we see reproduced, with a slight modification of wording, in the proposal submitted by the Soviet delegation, should be added to paragraph 3—namely, "to study various other issues connected with the problem of Palestine." The paragraph, therefore, in our submission, should read:—

"That the Committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country, and various other issues connected with the problem of Palestine."

I should also like to comment on paragraph 6, which says:—

"That the Special Committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Jewry, and Christendom."

Naturally, we have not the slightest objection to the underlining of the basic historical fact that Palestine is a land holy to the three faiths, and that all the three faiths have religious interests in it. But coupled with emphasis put on that positive point, there is here a suggestion that what is also basic is the interests of all the inhabitants of Palestine. Naturally, these interests are fundamental, and fully relevant to the purpose of the inquiry, but again, I would submit, not they alone. It is in the interests of the Jewish people which is also fundamentally relevant to the purpose of the inquiry, and we should like this stated in paragraph 6—that is to say, that the paragraph should read:

"That the Special Committee shall give most careful consideration to the interests of the Jewish people and of all the inhabitants of Palestine, and also to the religious interests in Palestine of Islam, Jewry, and Christendom."

Should this information not be found acceptable, we would then alternatively suggest to limit this paragraph merely to the stressing of the religious interests of the three faiths, and to delete the reference to the interests of the inhabitants of Palestine, which may well be accepted, as going without saying, as a subject which must be fully present in the committee's mind.

I should like to add that in Article 80 of the Charter of the United Nations the rights of all peoples in territories under mandate, pending the transformation of mandates under trusteeship, have been insured. While the committee is now going to study the problem created, we submit that it would not be right and proper to appear to prejudge the issue by disregarding the rights involved of all the peoples that have to-day, a stake in the country's future.

I should like to conclude by saying that the Jewish Agency for Palestine and the organized Jewish community in Palestine are most sincerely anxious to co-operate in the inquiry upon which the United Nations

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is now about to embark. They are most sincerely anxious to lend their fullest support to the success of that inquiry and to place their experience and their knowledge freely at the disposal of the Committee. We should not like to find ourselves in a position where the danger of our fundamental rights being prejudiced in advance by the terms of reference should militate against our full and effective co-operation. I say again that we feel sure nothing of the sort has been intended, but we simply would like respectfully to warn against any such complication arising.

These are our brief and preliminary comments which we have taken the liberty of making at this early juncture, and we naturally reserve the right to make additional comments should they be necessary

ANNEX B

1. STATEMENT BY THE REPRESENTATIVE OF THE ARAB HIGHER COMMITTEE MADE AT THE MEETING OF THE FIRST COMMITTEE ON 9 MAY, 1947

Mr HENRY KATAN (*Arab Higher Committee*): First of all, allow me to express to you and, through you, to the General Committee and the General Assembly, the sincere thanks and deep appreciation of the Arab Higher Committee of Palestine for the opportunity you have given us to appear before you to-day. We are also grateful for the great efforts you have spent on the preliminaries of this discussion and for the interest you have expressed in hearing the Arab case, which are evidence of your desire to do justice in this cause.

I propose to limit my remarks to the fundamental elements of the problem, only to those elements which would assist the Committee in its task of determining the terms of reference of the proposed Special Committee. Before doing so, however, I beg to ask for your indulgence, for I am not a public speaker, and I am speaking in a language other than my own.

I come to you as a representative of the people of Palestine, as an Arab whose roots are deeply imbedded in that tortured land. The Arab people are deeply anxious to find a just and lasting solution to the problem before you because it is their own problem—the problem of their present life and their future destiny. No one is concerned with it as much as they are since it involves their very existence as a people. With this existence threatened, with the future of our children in doubt, with our national patrimony in danger, we come to you, the representatives of the organized community of nations, in the full assurance that your conscience will support us in our struggle to hold that which is dearest to any people's heart—the national right of self-determination, which stands at the basis of your Charter.

It may be well to start by sketching a picture of Palestine prior to the First World War. Palestine was then included in the Ottoman Empire as part of the Province of Syria; but this inclusion did not in any way alter or effect the Arab character of Palestine. It had been inhabited for several centuries by Arabs; its customs, traditions, and culture are Arab; its town and villages were Arab. Those are the facts. No amount of propaganda or distortion can change the Arab character, the Arab history, and the Arab national characteristics of Palestine.

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Other small communities lived in the midst of the Arabs inhabiting Palestine and the other Arab countries—Jews, Armenians, Kurds, and others. In all those Arab countries the Jewish communities lived in peace and security. They even found for centuries amongst the Arabs more tolerance, more security, and more happiness than they had encountered among some of the nations of Europe. In Palestine, in particular, the Jews represented in 1914 a small fraction of the population, about 6 to 7 per cent. of the total. They had their own schools, synagogues, and communal institutions ; but one important fact should be noted. They had no national or political aims antagonistic or hostile to the Arabs. On the contrary, while retaining their religious, cultural, and racial characteristics, the Jews merged harmoniously in the Arab structure. That explains why there was then no friction between the Arabs and Jews, no riots, no disturbances. The contrast between the old era and the present day provides an understanding to the problem.

Politically, the Arabs of Palestine, like the Arabs of neighbouring countries, were not then independent in the sense of forming a separate political entity. They shared, however, the sovereignty of an independent country and enjoyed full rights of citizenship equal to the rights enjoyed by the Turkish citizens of the Ottoman Empire. In fact, Arabs rose to the highest executive, legislative, and administrative positions.

Notwithstanding their enjoyment of full political rights, the Arabs wished to establish a purely Arab State, independently of the Ottoman Empire. There were already several undercurrents aiming at the achievement of this objective. These undercurrents rose to the surface and gained strength and violence during the First World War.

The Allied Governments encouraged this struggle of the Arabs for their independence, as it fitted with their plans for a victorious termination of the conflict. In particular, the United Kingdom made several pledges for the recognition and establishment of Arab independence.

In 1915 there was the pledge of Sir Henry McMahon, the United Kingdom High Commissioner in Egypt, to King Hussein of Hedjaz, then Sherif of Mecca, declaring that the United Kingdom " was prepared to recognize and uphold the independence of the Arabs in all regions lying within frontiers proposed by the Sherif of Mecca." Sir Henry McMahon purported to exclude from the pledge certain portions of Syria lying to the west of the districts of Damascus, Homs, Hama, and Aleppo. The portions excluded fell within the then French sphere of interest and claim. There was, however, no exclusion of that part of Syria now known as Palestine.

On 2 November, 1917, the United Kingdom Government issued the Balfour Declaration without the consent or even the knowledge of the Arabs and in contradiction of the McMahon Pledge made in 1915. When news of this declaration reached the Arab world doubts were created in the minds of the Arabs as to the sincerity of Allied aims concerning the future of the Arab countries, and the Sherif Hussein asked for an explanation. To allay Arab fears, the United Kingdom Government delivered to King Hussein what is known as the Hogarth Message, which pledged that Jewish settlement in Palestine would only be allowed in so far as would be consistent with " the political and economic freedom of the Arab population."

In other words, the Balfour Declaration was to be secondary and subservient to the " political freedom " of the population.

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Again, in February, 1918, the acting British Agent in Jedda, Lieutenant-Colonel Bassett, wrote to the Sherif of Mecca :

" His Majesty's Government and their Allies stand steadfastly by every cause aiming at the liberation of the oppressed nations, and they are determined to stand by the Arab peoples in their struggle for the establishment of an Arab world in which law shall replace Ottoman injustice and in which unity shall prevail over the rivalries artificially provoked by the policy of Turkish officials. His Majesty's Government reaffirm their former pledge in regard to the liberation of the Arab peoples. His Majesty's Government have hitherto made it their policy to ensure that liberation, and it remains the policy they are determined unflinchingly to pursue by protecting such Arabs as are already liberated from all dangers and perils, and by assisting those who are still under the yoke of the tyrants to obtain their freedom."

Then again, in June, 1918, the British Government, in what is known as the Declaration to the Seven, pledged that " In regard to areas occupied by Allied Forces, . . . it is the wish and desire of His Majesty's Government that the future Government of these regions should be based upon the principle of the consent of the governed, and this policy has and will continue to have the support of His Majesty's Government."

Then again, in November, 1918, the Anglo-French Declaration was made, which stated that the object aimed at by France and the United Kingdom in prosecuting the war in the East is the " complete and definite emancipation of the peoples . . . and the establishment of national Governments and administrations, deriving their authority from the initiative and free choice of the indigenous populations. In order to carry out these intentions, France and Great Britain are at one in encouraging and assisting the establishment of indigenous Governments and administrations in Syria and Mesopotamia, now liberated by the Allies, and in the territories the liberation of which they are engaged in securing, and recognizing these as soon as they are actually established. Far from wishing to impose on the populations of these regions any particular institutions, they are only concerned to ensure by their support and by adequate assistance the regular working of Governments and administrations, freely chosen by the populations themselves."

One of the matters which the Special Committee to be set up will therefore have to investigate will be the various pledges given to the Arabs before and after the Balfour Declaration with regard to the recognition of their independence.

The struggle which had as its backbone the will and determination of the Arabs to realize their Independence was spurred and encouraged by the assurances of the Allied Powers regarding independence, political freedom, and the establishment of Governments freely chosen. The Arabs, in fact, made a substantial contribution to the Allied victory in the first world struggle. King Hussein, of the Hedjaz, joined the Allied armies, and Arabs from Syria, Lebanon, and Palestine answered his call for revolt and joined the ranks of the Allies and fought with them.

To quote from the report of the British Military Commission of Inquiry set up to investigate causes of the disturbances in 1920 in Jerusalem :—

" In fact, in June, 1918, recruitment for the Allied Sherif Army was in full swing in Palestine. Those recruited were under the impression that they were fighting for the National Cause and the liberation of their fatherland, while the evidence now before us shows that the real impression left in the minds of the Arabs as a whole was that the British Government would undertake the formation of an independent Arab State comprising Palestine."

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I do not wish to comment on the denial or breaking of pledges, nor on the ethics or legality of making contradictory promises. I wish to emphasize, however, that the claim of the Arabs for termination of the mandate and recognition of their independence does not rest on promises or pledges. The Arabs of Palestine are not claiming their independence on assurances; they are entitled to such independence as being their natural and inalienable right.

The value of those pledges, however, is twofold. In the first place, they nullify any contradictory assurances given to the Jews, if the Balfour Declaration is to be read as meaning more than a cultural home. In the second place, those pledges show that the administration of the country in a manner inconsistent with and contrary to the wishes of the large majority of the inhabitants is a glaring injustice.

I have mentioned the Balfour Declaration. It is at the root of and the very reason for all the troubles. It is the cause of the problem into which you are inquiring. It is the cause of the disturbance of peace and security in Palestine and the Middle East. Several Commissions of Inquiry into the disturbances in Palestine have invariably found that the Balfour Declaration and its policy of immigration were the primary and fundamental causes of such disturbances.

When we remember that the Balfour Declaration was made without the consent—not to say the knowledge—of the people most directly affected; when we consider that its making is contrary to the principles of national self-determination and democracy, as also to the principles enunciated in the Charter of the United Nations; when we know that it was inconsistent with the pledges given to the Arabs before and after its date—it will be the duty of the Special Committee to inquire into the legality, validity, and ethics of this document.

Out of the conflict of the First World War there emerged certain high principles which were to govern the organization or international relations and serve as the basis of the structure of modern civilization.

The principles propounded by President Wilson—that is, the rejection of all ideas of conquest and recognition of the right of self-determination—were incorporated in Article 22 of the Covenant of the League of Nations. The Covenant laid down that, to the peoples inhabiting territories which have ceased to be under the sovereignty of the State which formerly governed them, there should be applied the principle that their well-being and development form a sacred trust of civilization.

Moreover, in particularizing certain communities detached from the Turkish Empire—that is to say, the Arab Nation—Article 22 laid down that, having regard to their development, their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

Notwithstanding the pledges of Great Britain and the Allied Governments, notwithstanding Wilson's Fourteen Points, notwithstanding Article 22 of the Covenant, notwithstanding the riots in the country and the expressed opposition of the people of Palestine, the mandate was formulated in a manner embodying the Balfour Declaration.

One of the points which the Special Committee will have to consider will be the inconsistency of the mandate with Article 22 of the Covenant of the League of Nations. Article 22 is the primary and enabling instrument from which the mandate can derive its force and validity, if any.

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If, therefore, the mandate on Palestine has, in its inception or the interpretation of its objects or in its practical application, deviated or departed from the primary objectives of Article 22 of the Covenant, then it is *ultra vires* and null and void. There is no power in Article 22 of the Covenant which enables the embodiment in the mandate of provisions prejudicial to the interests of the people of the country. A further issue which the Special Committee would have to inquire into is that the mandate was intended to be a provisional and transitory form of administration. The neighbouring Arab countries—Iraq, Lebanon, Syria, and Trans-Jordan—were similarly and at the same time placed under mandate. They are now making their contribution to the organization and maintenance of world peace and security.

Mr. Bevin declared on 25 February, 1947, in the House of Commons, the following :—

“ In other States in the Middle East, we also took on mandates, and they have all led to self-government. I want to state that the cultural development of the Arabs and Jews in Palestine is of as high a standard as in any other Arab State.”

There is, therefore, no justice in the denial to the people of Palestine of the elementary rights of self-government and independence. If, with a view to continuing this injustice, it is argued that the cessation of the mandate might lead to bloodshed between Arabs and Jews, and even if that were at all true, it is no reason which carried any convincing force as the whole history of the mandate since its inception is a history of troubles, disorders, and bloodshed.

Another point which we suggest that the Special Committee inquire into is the effect of the dissolution of the League of Nations on the Palestine mandate. It was specifically provided in Article 22 of the Covenant that the mandate should be exercised by the mandatory “ on behalf of the League of Nations,” this being the primary condition under which the mandate was granted.

The powers of a mandatory cannot legally outlive the existence of the person or body delegating such powers. The mandatory cannot be said to-day to be exercising its powers on behalf of the League, a body which has ceased to exist.

Article 80 of the Charter of the United Nations has a negative operation in not interfering with existing rights. It has not the positive effect of conferring validity on, or retaining in full force, an agency or mandate which has ceased to have any validity. Even if the mandate can be said to be still in existence, the Special Committee should, in my submission, be asked to consider the conflict between the provisions of the mandate imposing the obligation to facilitate Jewish immigration and the obligation undertaken by the British Government on becoming a party to the Charter of the United Nations. The obligations in the mandate relating to the Jewish national home and the facilitation of Jewish immigration, if such are to be construed to imply their discharge against the will of the original inhabitants of the country and the majority of the population, are clearly in conflict with the purposes and principles of the Charter.

They are again in conflict with the resolution of the General Assembly of the United Nations adopted at its sitting on the 15 December, 1946, which disapproved of the resettlement of displaced person where the resettlement would be likely to disturb friendly relations with neighbouring countries. The resolution further states that due weight

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should be given, among other factors, to any evidence of genuine apprehension and concern felt, *inter alia*, by the indigenous population of non-self-governing countries.

Another term of reference would be an inquiry into the practical application of the mandate, which, in our contention, would show:—

(a) That it was not exercised within the scope and for the purposes contemplated by Article 22 of the Covenant;

(b) That it was not exercised for the benefit of the original inhabitants of the country;

(c) That its further continuation is creating a situation which is affecting the peace and good order in Palestine and threatening peace and security in the Middle East.

That inquiry would show, moreover, how the Arabs have lost their civil and political rights which they enjoyed prior to the mandate; how the immigration initiated and facilitated under the mandate is threatening the very existence of the Arab Nation. It will show how this immigration has led to troubles and bloodshed which have soiled the Holy Land. It will show how the British Government is giving administrative advice and assistance to another British Government calling itself the Palestine Government. It will show how no trace can be found of self-governing institutions and much less of any trace of the development of such institutions. It will show how many lives were lost as a result of the policy of enforcing the mandate and how much money has been spent on police posts and fortresses as compared with schools and hospitals.

Another aspect of the practical application of the mandate will show how during the last twenty-five years more than half a million Jews were allowed to immigrate into the country against the wishes of its inhabitants, and how the British Government not only used its best endeavours to facilitate the achievement of the Balfour Declaration, but fully and completely achieved it at the expense of many lives and suffering.

Further, in formulating the terms of reference of the proposed Special Committee of Inquiry, it is not sufficient to point out what the problem is. It is equally important to invite attention to what the problem is not, so as to avoid confusion of issues.

In the first place, the problem is not an Arab-Jewish problem. The Arab opposition to immigration and to the establishment of a Jewish national home in Palestine is not based on any racial prejudice against Jews as Jews, but would be equally strong whatever the race or religion of any group which might attempt to wrest the country from its Arab inhabitants or to force immigrants into against the will of the Arabs.

In the second place, the problem is not economic. It is often contended that the Jews of Europe can develop the country by colonizing it better than its inhabitants could. Even if the premises on which this argument rests were true, it would still be worthless because it is an unacceptable and immoral argument. Such reasoning, if accepted, could justify any aggression by the more advanced against the less advanced nations of the world.

In the third place, the problem is not connected with the refugee problem. The problem of the refugees and of displaced persons is not limited to any special religion or race. It is a humanitarian problem, and it is the duty and concern of the civilized world to treat it as such. Indeed, this has been done, as is evidenced by the establishment of the

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International Refugee Organization. The linking of the refugee problem with Palestine has made, and will continue to make, the solution of both problems infinitely more difficult, if not impossible.

These are two different and distinct problems, and each must be solved on its own merits, and all countries of the world must participate and share in the responsibility of its solution.

The Arab Higher Committee deems it absolutely essential that a recommendation be made to the mandatory to take immediate steps for the complete stoppage of all Jewish immigration into Palestine, whether termed legal or illegal. For, in the view of the Arab population, all immigration of Jews into Palestine is illegal.

In the fourth place, the problem of Palestine cannot and should not be regarded as one of historical connection. The Zionists claim Palestine on the grounds that at one time, more than two thousand years ago, the Jews had a kingdom in a part of it. Were this argument to be taken as a basis for settling international issues, a dislocation of immeasurable magnitude would take place. It would mean the redrawing of the map of the whole world. It has been said you cannot set back the hands of the clock of history by twenty years. What should then be said when an effort is made to set the clock of history back by twenty centuries in an attempt to give away a country on the ground of a transitory historic association?

These are the observations which we wish to put before you at this stage. I hope I have succeeded, without overtaxing your patience, in indicating the real cause of the disease. I trust that the Committee of Investigation, and later on the General Assembly, will be convinced that this apparently complex problem cannot be solved except on the basis of principles already agreed upon by all the civilized world and sanctioned by the Charter.

It is high time that Palestine's right to independence be recognized and that this tormented country enjoy the blessing of a democratic Government. It is high time, also, that a policy which has been impairing the ethnological and political structure of the country be brought to an end by the highest body in the world.

We are not asking something which is out of line with what humanity has striven throughout the ages; nothing more than what each of you would wish for his own country; nothing more than what is consecrated by the lofty principles and purposes of your very Charter; nothing more than what the greatest of Masters, who arose from that holy but to-day tortured land, taught every one of us when he said: "Do unto others as ye would have them do unto you."

Thank you.

2. QUESTIONS ASKED OF THE REPRESENTATIVES OF THE ARAB HIGHER COMMITTEE BY VARIOUS DELEGATES

Mr FIDERKIEWICZ (*Poland*): I would like to ask the representative of the Arab Higher Committee of Palestine the same questions that I asked the Jewish Agency representative.

First, who represents the Arab Higher Committee in Palestine, how many organizations? How is the Executive Committee established and organized, and how does it work?

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The second question : Have there been any attempts at collaboration between the Arab Higher Committee and the Jewish Agency for Palestine?

Mr ZEA-GONZALES (*Guatemala*): I have just one question. It has been said on several occasions, but never officially by Arabs or Jews, that bad feeling exists between Arabs and Jews in Palestine. On the other hand, the Jews say there is no such bad feeling. What is the truth of the matter? Do the Arabs of Palestine take sides in the tense political situation actually existing in that country?

Mr GONZALES-FERNANDEZ (*Colombia*): I should like to ask Mr Katan, with the Chair's permission, this question: What are the views of the Arab Higher Committee regarding the composition of the proposed Committee of Investigation?

Mr ASAF ALI (*India*): May I be permitted to repeat, word for word, what I said to the representative of the Jewish Agency. I congratulate the representative of the Arab Higher Committee on the very impressive statement which he has made. I should just like to ask two questions, which he may take down and answer later on in writing.

He has made a reference to the pledges which were made to the Arabs from 1915 right down to 1920—that is, before and after the Balfour Declaration—and he has said something about the "national Jewish home," which term appears in the mandate as well as in the Balfour Declaration. Does he or does he not realize—and this was the question which I put to the representative of the Jewish Agency—that a national Jewish home is easily contra-distinguishable from a Jewish State; that a national Jewish home, as mentioned in the mandate, is not inconsistent with a completely independent and Sovereign Arab Palestine State?

I am not commenting on the rightness or wrongness of the promise which was made to the Jews for the establishment of a national Jewish home. That is an entirely separate matter. I am only drawing a legal distinction between these two entities, a national Jewish home and a sovereign Jewish State.

My next question would be again the same as I put to the representative of the Jewish Agency, and that is about immigration. Is it a fact or is it not a fact that until 1900 not more than 4,500 Russian or other Jews who had been driven out of Czarist Russia had gone to Palestine? Is it or is it not a fact that until 1920 not more than about 45,000 Jews from outside had entered Palestine? Is it or is it not a fact again that by 1930 the immigrants had risen to a figure of over 150,000? Again, is it not a fact that by 1939 the Jewish population of immigrants had risen to about 600,000, when the white-paper was issued in 1939 restricting the immigration?

Finally, I would like to have him tell us whether all these immigrants are Arab-speaking or Hebrew-speaking or Yiddish-speaking immigrants. Is Yiddish, by any chance, a Hebrew language, or is it a mixture of Polish, Lithuanian, Rumanian, &c., and Hebrew—Hebrew being the script, the language being something else.

Is it a fact that these immigrants are easily assimilable in Palestine? Finally, I would also like the representative of the Arab Higher Committee to tell us whether it is or is not a fact that by 1915 it was well known that the Dead Sea contained chemicals with a value of about

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\$5,000,000,000? And is it a fact that by now it is understood that the Dead Sea contains minerals and chemicals amounting to about \$3,000,000,000,000? Is it a fact that many people outside are interested in these figures.

Mr KOSANOVIC (*Yugoslavia*): I would ask Mr Katan, in connection with what he mentioned in the beginning of his speech, in 1914 there was 6 to 7 per cent. of Jews in Palestine. May I ask him that in case of the formation of an independent State, a sovereign State of Palestine, how would be the relations between the various national groups and between the Arabs and Jews in Palestine? Is there any plan worked out for the constitutional organization of the future sovereign State of Palestine?

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E 9948

1947

24 OCT

PALESTINE

Palastat Selection

Registry Number E9948/951/31.
 FROM 40 Minute
 No. W. Beckett.
 Dated 18 Oct
 Received in Registry 24 -

have recd an minute by Mr Beley of Oct 17 states that we are entitled to pay but it will not go on administering Palestine,

Last Paper

9947

(Minutes.)

References

Beley
 (S. G. H. B. E.)
 27/10

Mr. Evans ^{msg} 29/10.
 Mr. Fitzmaurice @ see
 Mr. Gutteridge + msg 31/10.

20 Oct. 28

(Print)

I was responsible for the arguments in R.O. H.C. 31062 to N.Y. I said at the time they were not water-tight, and that they gave us an arguable case for general purposes. We had of course already said that the mandate was inoperative & I see this is our strongest point.

W. Fitzmaurice

JBNN. 10

(Action completed)

(Index)

G. L. 10/11

31/8/48

Next Paper

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Dear Beeley,

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My minute on your first question in your minute of the 17th October is of very great length. You may like to have the conclusion in a very few words. That is, we are entitled to say we will not go on administering Palestine. We should not, however, argue this on the lines suggested in the Foreign Office telegram because I doubt if those arguments are good. We should base ourselves simply on the ground that the Mandate for Palestine is unworkable and everybody has admitted that that is so, and this is, in fact, the line taken by Mr. Creech-Jones in his speech.

I am sending you three copies of this minute. I should rather like one copy of this long minute to be sent to the Foreign Office so that my colleagues there may be aware of what I am saying here.

(Signed) W.E. BECKETT.

18th October, 1947.

*My minute is attached
behind this paper.*

H.B.

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24 OCT 1947

1. I will take question 1 (paragraph 1 of Mr. Beeley's minute) first. There is not in fact very much explicitly laid down about the termination of the mandate. Article 22 of the Covenant, paragraph 4, referring to communities which were formerly part of the Turkish Empire, by obvious implication indicates that the Mandate for Palestine was not intended to be permanent but temporary. The Mandate for Palestine itself does not lay down how it should be terminated, but Article 28 begins: "In the event of the termination of the Mandate hereby conferred on the mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity the rights secured by Articles 13 and 14, which both refer to holy places. There is a further point that it is the Council of the League which defines the ~~degree~~ of authority, control or administration to be exercised by the mandatory (not having been previously agreed upon by the members of the League), and the Mandate itself issued from the Council, and the tutelage is said, in Article 22, to be exercised by the advanced powers as mandatories on behalf of the League. Clearly, the Council of the League was the competent organ of the League for this purpose.

2. The following mandates have already been terminated:-

(1) Iraq. This was terminated when the League of Nations was still in being by the election of Iraq as a member of the League after she had concluded a Treaty of Alliance with the U.K. Before Iraq was elected a member of the League I feel fairly sure that the Treaty of Alliance which provided for the end of the mandate and the contemplated election of Iraq as a member of the League was approved by the Council, but I have not the documents here to verify exactly how this was done.

(2) Syria and the Lebanon. This French mandate was terminated by implication, I think, when Syria and the Lebanon were admitted as signatories of the Charter and became original members of the United Nations in 1945. The League had not then been formally wound up. France had, in 1941, in the middle of the war made a declaration of her intention to put an end to the mandate. I do not actually remember how the termination of the mandate for Syria and the Lebanon was dealt with at the winding up of the League in April, 1946, but I think it was probably blessed retrospectively as an accomplished fact.

(3) Transjordan. Transjordan was included in the Palestine Mandate, but was always dealt with separately after the decision of the League of the 16th September, 1922, made in pursuance of Article 25 of the Mandate saying that the mandatory shall be entitled, with the consent of the Council of the League, to suspend or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions. This decision made inapplicable to Transjordan the provisions about the Jewish National Home and the provisions about the holy places, and provided that, in the application of the mandate to Transjordan the action which in Palestine is taken by the administration of Palestine will be taken by the administration of Transjordan under the general supervision of the mandatory. Abdullah became the ruler of Transjordan with gradually increasing autonomy until, in early 1946, H.M.G. concluded a Treaty of Alliance with him and recognised him as fully independent, and in April 1946 the winding up Assembly of the League of Nations blessed this action, and recognised the termination of the Mandate.

~~The points to be claimed from the above are, I think, (a) when the League was operating fully, the assent of the Council of the League was obtained for the termination of the only mandate that was terminated, (b) that the mandate for Syria and the Lebanon ceased without any action by the League but after the action by the United Nations/~~

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The points to be ^{culled} ~~claimed~~ from the above are, I think, (a) when the League was operating fully, the assent of the Council of the League was obtained for the termination of the only mandate that was ~~then~~ terminated; (b) that the mandate for Syria and the Lebanon ceased without any action by the League but after the action by the United Nations in accepting Syria and the Lebanon as signatories of the Charter; (c) in the case of Transjordan, the Mandate terminated by the recognition of Transjordan as an independent country by the mandatory blessed by the Assembly of the League of Nations at its winding up session.

3. Foreign Office telegram No. 3468 says: "We do not think that even in the days of the League a mandatory could have been compelled indefinitely to continue administering a mandate against his will or that he could have been prevented, on resigning the mandate, from giving adequate notice of his desire to be free." In this connexion it may be observed that it has always been our contention that the Council of the League had no right to deprive any power of its mandate.

(4) Japanese Mandate over islands in the Pacific. This mandate has, if my recollection is right, been terminated because the United States has obtained a trusteeship over these islands by a strategic area trusteeship agreement approved by the Security Council. If the Japanese mandate had not already come to an end (as I believe the United States claimed) before this, by the action of Japan in making the war of aggression and using the islands for this purpose, or something of this kind. If my recollection is right, I was always rather uncertain whether this latter United States contention was well-founded, though, again, if my recollection is right, it may have been accepted by the Security Council.

Thus, Japan was not held to have lost her mandate when she ceased to be a member of the League, and although I believe she failed to observe the provisions of the mandate as regards reporting to the Council and in many other ways, the question is whether the view of the Foreign Office expressed in the above sentence is correct or not. Could the U.K., when the League of Nations system was operating, have simply gone to the Council of the League and said: "I give a (sufficient) notice that on date I shall cease to administer Palestine under mandate and you, the Council of the League, can do what you like about it." From the purely practical point of view it is no doubt perfectly true that, if a country refuses to administer, there are no practical means of compelling it to do so, but the question is, has it a legal right to do this? I am far from sure. It is not very easy to argue by any convincing analogy. A mandate was considered to be a trust. In municipal law a trustee cannot, I believe, simply give notice that at a certain date he refuses to administer the trust any more. But on the other hand he can, I believe, in most circumstances apply to a court to relieve him of his trust, though I am not sure that the Court is bound to do so. The court certainly can replace him if he is incompetent or refuses to administer it properly, but that is rather a different matter. Legally, therefore, I have some doubt as to whether that sentence in the Foreign Office telegram is correct.

4. The next sentence of the Foreign Office telegram reads: "Since the dissolution of the League it has been, to say the least of it, doubtful how far the mandate system retains any obligatory force, and we do not think we can be regarded as continuing to administer except on a voluntary basis." I remember that in, I think, the Autumn of 1946, I wrote a long opinion (with the assistance of Mr. Martin), some of the arguments of which have some bearing on this matter. Of course, this opinion is not available here. The question we were then considering was, if I recollect rightly, whether H.M.G. could, without any authority from any other Government or body, put a partition/

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x and a portion on a political view.

partition scheme in Palestine into force, given that such a scheme went beyond the mandate and could not therefore have been carried out when the League of Nations was in operation without the consent of the Council of the League. I said, if I remember, that, while the mandate was in full operation, H.M.G. had not an unfettered liberty of action in regard to Palestine in the same way as it has, for instance, with a colony. I thought that, even on the most legalistic view, it was questionable whether the disappearance of the League produced the result that H.M.G. could then dispose of Palestine just as freely as she could dispose of a colony. I think it was further brought out that, at the winding up session of the League of Nations, H.M.G. assented to a resolution which implied that H.M.G. would not depart from the essential provisions of the mandate for Palestine other than with the consent of the United Nations, or something of that kind. It was further brought out, I think, that, in addition to the mandate, there is a convention with the United States which, on a cursory view, appeared to give the United States the same liberty to object to departures from the mandate as the Council of the League would have had: that this view was not really correct and the convention properly interpreted only gave the United States a sort of veto over changes which might affect United States interests as provided for in the convention itself, but it was known that, on occasions, the United States Government were disposed to take another view. Just conceivably we may hear from the United States further arguments based on this convention. The conclusion reached, I think, in the opinion was that, while the legal position could not possibly be stated with any certainty, H.M.G. would do best to obtain the approval of the United Nations, and I think that meant the Assembly, before putting into actual operation any scheme for partition of Palestine. It could not be said that, under the Charter, there was any automatic succession by the United Nations to the position of the Council of the League of Nations with regard to mandates. The argument was, I think, (1) that it was impossible to proceed to carry this partition out in the manner in which it would have been carried out if the Council of the League had been still in operation; (2) that the resolution which we had accepted at the last session of the League seemed to oblige us to take the course of going to the United Nations, and in any case, in the most general sense, the United Nations does replace the League of Nations. I refer to this opinion because, though it was written hurriedly, I did have the assistance of Mr. Martin and someone else from the Colonial Office, and at any rate we had before us a good many documents which are not available to me now. Its bearing on the present question is that it was rather inconsistent with the sentence in the Foreign Office telegram that the mandatory system has no obligatory force since the dissolution of the League, and it suggests to me at any rate that our arguments for the course which we now propose to take (of declaring that, at a certain date, we will cease to administer Palestine unless there is an agreement between the Arabs and the Jews) should be put on grounds rather different from the two general ones given in the two sentences of the Foreign Office telegram. Rather, I think, we must base ourselves more on the particular facts and situation which now prevails than on these wide propositions. In fact I think Mr. Creech-Jones, in his speech, does put it rather in this way. For instance, at page 5 Mr. Creech-Jones says: "H.M.G. are entitled, in view of the general opinion expressed in this committee and also of the unworkability of the mandate, to lay it down and ask the United Nations because of the conflict and its menacing possibilities to consider etc.". in the Mr. Creech-Jones is here basing himself on this unworkability situation which has in fact arisen, not on the wide propositions contained in the Foreign Office telegram. Of course, taking this line, "this is quite true, but are you at the same time entitled to say that you will not execute as administrator the conclusions which we reach when you have thus laid it before us?" We say, as I understand it, we will only say now that we will undertake conclusions which we think to be inherently just. Now, we seem to be on perfectly strong ground in saying/

with the approval of the Council of the L. of N. because it is no longer insisted.

in reply it may be said

only undertake to assist in enforcing

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saying that we cannot be obliged to carry out ^{just} any decision which the United Nations may reach about Palestine, but it may be said to us in rejoinder: "That may be so, but you should either go on administering according to the Mandate or carry out our decisions", to which our final reply is: "The Mandate is unworkable and you have agreed that that is so."

7. In sum, I think our real case is this. The Mandate is unworkable and therefore we are justified in refusing to administer it any more. We put it to the United Nations not because there is any obligation on them to take over the administration from us (and here we can agree with the United States), but because the situation in Palestine is full of dangers to peace and loss of life, and a situation of this kind is one which should be brought before the United Nations. In a word, our case for saying we are going to give up the administration of Palestine is that the Mandate is unworkable.

8. I turn now to Mr. Beeley's second question, which I will consider in connexion with the Syrian resolution on A/A.C.14/25. The first question which the Syrian Delegation proposed to put to the Court is the following: "Are the terms of the Act of Mandate consistent or not consistent with the Covenant of the League of Nations, especially paragraph 4, Article 22 and the fundamental rights of peoples and their rights to self-determination and international law?" Now, I feel perfectly sure that the Court neither could nor would hold the Mandate to be inconsistent with the Covenant of the League or with international law. No court is going to hold that the Mandate for Palestine which the Council of the League adopted and operated throughout the League's existence is contrary to the Covenant or international law. Further, in this connexion and with reference to an Iraqi resolution about the promises given to the Sheri^{ff} of Mecca, I feel sure that the Court would agree with Mr. Lipsicky, the Czech Delegate, when he said that you must not confuse political declarations with legal instruments. I think the Court would say that the conception of the fundamental rights of people was a political and not a legal conception, and that it was not called upon to say whether the Mandate was consistent with this or not. The Court would, I think, refuse also to deal with the right of self-determination unless this is put in regard to the use of this phrase in Article 1(2) of the Charter, and even then I think it would say that, though this expression was in the Charter, ~~it was put in a different place.~~ This was rather a political than a legal question.

9. The second question of the Syrian Delegation's proposal is: "Is a forcible plan of partition consistent with the objectives of the mandates and with the principles of the Charter and with the ultimate fact of mandated territories referred to in Chapter VII of the Charter?" I presume that the reference to the objectives of the Mandate is an argument in the alternative because the first question obviously was meant by the Syrians to obtain the answer that the mandate was invalid. People may differ as to how they would exactly formulate the objectives of the mandate, but I would assume them to be (vide the Mandate, the preamble), the Jewish National Home, the maintenance of the civil and religious rights of existing non-Jewish communities in Palestine, (taken from Article 22 of the Covenant), the ultimate establishment of Palestine as an independent state, and the preservation of rights to the holy places. Now, I do not see how it can be said that the partition of Palestine into two independent states, one Arab and one Jew, where the holy places safeguarded in a Jerusalem enclave, can be said to be inconsistent with any of these objectives unless it be the presence of civil rights of existing non-Jewish communities in Palestine. There is clearly something to be said for an argument that it is, but I do not think it will succeed before a court. Then, there is the reference to the principles of the Charter. Obviously, the self-determinations of peoples would be the basis of the argument and a fairly strong argument can be made (which I suppose can be put legally as well as politically) that it is contrary to this to impose a solution on Palestine which is contrary to the wishes of the majority of/

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of the population, but, as we know, the difficulty of the principle of self-determinations of people resides in the fact that there is no legal criterion how far you can go. In an area you have a majority and a minority, and you can argue that a defined minority should be able to determine their own fate and then you get a minority within a minority, and so on the whole I do not think the Court would turn down a scheme on this ground. The words "for the ultimate fate of mandated territories" referred to in Chapter VI of the Charter is inexplicable to me because I do not find in that Chapter anything about the ultimate fate of mandated territories. All that Chapter VII says is that mandated territories can, but need not be, put under trusteeship, and if this went to the Court something useful to South Africa might result.

The third question is: "Does the plan of partition in its adoption and forcible execution fall within the jurisdiction of the General Assembly?" I think for the purposes of answering this question one can rely on both Article 11(2) and Article 14, and that it is not very material under what Article Palestine came before the General Assembly in the first place. No one, I think, would now deny that Palestine is a question which has a relation to the maintenance of international peace and security or which is likely to impair the general welfare or friendly relations amongst nations. It may therefore recommend measures under Article 14 and make recommendations to the state or states concerned or to the Security Council under Article 11(2). There is no reason that I can see, therefore, why the Security Council cannot recommend partition under these Articles. The recommendation, of course, is not binding. But when we come to enforcement, this would appear to be a matter which must be done by the Security Council because this is definitely action under Article 11(2), if the enforcement is to be by the United Nations itself. The fact that the recommendation for partition is not binding on anybody does not give any legal justification to Palestine's Arab neighbours for invading the country which does not belong to them to prevent it being carried out, and this is a matter which the Security Council might have to deal with under Chapter VII of the Charter.

(Signed) W.E. BECKETT.

18th October, 1947.

Dr. Arce seems to have said something like this.

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Mr. Baskati.

24 OCT 1947

PALESTINE.

Of the various legal arguments used during the general debate in the Palestine Committee, two at least are likely to give rise to considerable discussion. These are:

(i) The contention that His Majesty's Government have no right to lay down the mandate in the absence of proper provision for the government of Palestine after their departure.

(ii) The contention that the adoption and execution of a plan for the partition of Palestine does not fall within the competence of the General Assembly.

2. The first argument was implied in Mr. Herschel Johnson's speech of the 11th October, in which he said that "the General Assembly did not, by admitting this item to its agenda, undertake to assume responsibility for the administration of Palestine during the process of transition to independence. Responsibility for the government of Palestine now rests with the Mandatory Power". The implication appears more clearly in a speech on the 16th October made by Mr. Lisiaky, who spoke of "a unilateral laying-down of an international obligation". The Colonial Secretary, in his speech of the same day, stated that "in our judgment, a Mandatory Government may voluntarily relinquish the administration of a Mandate". We have, therefore, taken up a position on this question, but we may subsequently be asked to provide the legal arguments in justification of this assertion.

3. The point about the competence of the Assembly has been raised in two resolutions tabled by the Syrian and Egyptian delegations. The Egyptian resolution proposes a reference to the International Court of Justice:

"(a) As to whether it lies within the competence of the General Assembly to recommend any of the two resolutions proposed by the majority or by the minority of the United Nations Special Committee on Palestine;

"(b) As to whether it lies within the rights of any Member State or group of Member States to implement any of the proposed solutions without the consent of the people of Palestine".

The Syrian resolution also calls for a reference to the International Court of Justice. The questions put in this resolution include the following:

"Is a forcible plan of partition consistent with the objectives of the Mandate and with the principles of the Charter, and with the ultimate fate of mandated territories referred to in Chapter 12 of the Charter?"

"Does the plan of partition in its adoption and forcible execution fall within the jurisdiction of the General Assembly?"

4. I should be grateful for your comments on these two issues.

(H. Bealey)
17th October, 1947.

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E 9954

1947

PALESTINE

24 OCT

27

Registry Number

E9954/957/91

TELEGRAM FROM

U.K. Nat. New York

No.

Dated

Received in Registry

3032
23 Oct
24 ~

Shertok speech, at Lake Success.

In his statement on Oct 17, Shertok mentioned that the Palestine Govt. statisticians had recently indicated that the figures of Arab national income have been found to be somewhat exaggerated. Jewish Agency no doubt intend to use this to argue in the sub-committee which is now to examine the partition plan.

Last Paper.

9948

(Minutes.)

J 24/10

References.

(Print.)

(How disposed of.)

*8 46 attached P.O.
M-139
M.D. 4
Adams
G/M.
Oct 28
(on E 9932)*

(Action completed.)

JEM 25/10

(Index)

[Signature]

Next Paper.

E9960

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Reference: **FO 371 / 61884**

E 9954

E 88

Cypher/OTP

24 OCT

DEPARTMENTAL NO. 1.

FROM NEW YORK TO HIGH COMMISSIONER JERUSALEM.

(From United Kingdom Delegation to United Nations)

No.110 D. 3.00 p.m. 23rd October 1947
23rd October 1947. R.10.20 p.m. 23rd October 1947
Repeated to Washington Saving
Foreign Office No. 3032

SECRET.

Please pass Jerusalem.

[Begins].

In his statement at Lake Success on 17th October Shertok mentioned that the Palestine Government statistician had recently indicated that the figures of Arab natural increase have been found to be somewhat exaggerated. It appears that he was referring to Loftuss letter of 2nd May to Herowitz in which it is stated that "since essential food commodities are distributed by Food Control, there has been a tendency towards complete registration of births, while at the same time the registration of deaths has become more and more incomplete". The Jewish agency no doubt intend to use this letter to argue in the Sub-Committee which is now to examine the partition plan that the official statistics of the Arab population are inflated.

Please telegraph whether the incompleteness of the registration of deaths during years of food control was taken into account in the calculation of the revised de facto figures of population given on page 10 of the supplement to the survey and if not what is the maximum figure by which estimate of Arab population at the end of 1946 might be reduced if account were to be taken of this defect in registration.

[Copies sent to the Colonial Office for repetition to Jerusalem].

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References:
FO 371 / 61884

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PALESTINE

89

E 9960

25 OCT

Registry Number

FROM

No.

Dated

Received in Registry

E9960/951/31

Prime

minutes

minutes

M. 371/47

15 Oct

25 -

Palestine Alternative Plan

Lord Samuel called in order to create alternative plan of U.N. proceedings on Palestine problem resulted in deadlock.
Enclosed copy of same.

Last Paper

9954

References

(Print)

(How disposed of)

Minutes from top of
& Prime Minister
no P.M. 147/101/
22/10.

(Action completed)

9/10/27/10

(Index)

3/10/48

(Next Paper)

(3797/1/31) 48
E9966

(Minutes.)

9. P.P. J.L. Pumphrey^{no 10} & R.D.G. Abalpeil, Oct '16.

9. P.P. W.A.E. Whithorn, G.V. & M. Rich 17/10.

Robe
CS. E. CABLE

27/10

Bot. 27

~~9. P.P.~~ Mr. Pumphrey LS Mr. Heniker
see 3797/1/31) 48 18 Mand.

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References
FO 371 / 61884

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Eastern Dept.

from the S. of S. is
warrant it may be
assumed that he does
not think it necessary
for him to see Lord
Samuel.

But I think we
should provide the P.M.
with material to
comment on Lord
Samuel's proposals.

Mr Beth

MS.
16/10.

Pd. draft, in consultation
with C. O. SANS/16. x

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Reference:

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PRIME MINISTER'S
PERSONAL MINUTE

10, Downing Street,
Whitehall.

SERIAL No. M. 371/47

S/S

E 9960

FOREIGN SECRETARY

25 OCT

... Lord Samuel called here in order to
outline a possible alternative plan attached
if U.N.O. proceedings on Palestine problem
resulted in deadlock. He did not suggest
that it should be put forward now, but if
occasion arose it might be sponsored by
himself and others with advantage. He
would be prepared to discuss any points
with you, if you so desire.

C. R. A

y note this
MD

15th October, 1947

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Reference: **FO** 371 / 61884

PROPOSALS FOR PALESTINE

1. The government of Palestine shall be transferred to the Trusteeship Council of United Nations, and the British Mandate terminated forthwith.
 2. The Trusteeship Council will appoint a Commission of three persons to administer the country.
 3. There shall be constituted in Palestine an Arab Council and a Jewish Council. The Councils will be elected by the members of the respective communities wherever they may be resident, and not on a geographical basis. The Councils will make and administer laws on matters to be specified, relating to education, religion, and other communal affairs. Provision will be made for adequate revenues, to be under their own control. The Commissioners will consult with each Council on all matters of importance, whether communal or general, before taking action. The Va'ad Haleumi shall be the Jewish Council, pending any other arrangements. Elections for the Arab Council shall be held at the earliest practicable date.
 4. There shall be a system of Local Government in towns and districts on the same lines as at present.
 5. Jewish immigration will be permitted up to 60,000 a year, subject to the economic capacity of the country to absorb them; plus 30,000 in the first year on humanitarian grounds. This is substantially the same as Recommendation B.1(c) of the Majority Report of the U.N. Commission.
- The Minority Report's Recommendation VII would also allow the re-opening of Jewish immigration. Limits would be fixed by a Special Commission, to consist of three representatives of the Palestine Arabs, three of the Palestine

Jews

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Jews and three of the appropriate organ of U.N.

6. The unanimous Recommendations of the U.N. Commission,

No.V: Holy Places and Religious Interests.

No.VI: Jewish Displaced Persons.

No.VII: Democratic Principles and Protection of Minorities.

No.VIII: Peaceful Relations

shall be applied.

7. Palestine shall maintain the closest relations of cordial co-operation, political and economic, with the neighbouring States. In particular, unrestricted access to the sea through Palestine ports would be assured.

8. British military forces will begin to withdraw forthwith, until, provisionally, a figure of 20,000 men is reached. A U.N. Force, consisting of contingents of not more than 2,000 men from any one country, shall be provided by such countries, and under such command, as may be decided by U.N. When this force has been established, the remainder of the British forces shall be withdrawn, except such British contingent of the U.N. Force as may have been agreed.

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Reference:

FO 371 / 61884

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R.D.C. McALPINE, ESQ.

FOREIGN OFFICE

Eastern Dept.

CMCA.

With

16/10.

the compliments of

Mr. J.L. Pumphrey.

16th October, 1947.

10 Downing Street,
Whitehall, S.W. 1.

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Reference:

FO 371 / 61884

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95
10 Downing Street,
Whitehall.

16th October, 1947.

Dear Smith,

I enclose a copy of a Minute M.371/47 of the 15th October from the Prime Minister to the Foreign Secretary, and a copy of the proposals on Palestine made by Lord Samuel and referred to therein, for the information of the Colonial Secretary.

I am sending a copy of this letter to McAlpine at the Foreign Office.

Yours sincerely,

(Signed) J.L. PUMPHREY.

D.M. Smith, Esq.,
Colonial Office.

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E 96

Mr. Beith.

You left with me yesterday the attached minute from the Prime Minister enclosing an outline of proposals for the future of Palestine ~~was~~ forwarded by Lord Samuel. You asked for Colonial Office comment on these proposals which might form the basis of a letter from your Private Secretary to the Private Secretary at No. 10 in reply to the Prime Minister's minute.

Paragraphs 1 and 2 of Lord Samuel's proposals seem to us to be based on a mistaken idea of the functions of the Trusteeship Council under chapter 12 of the Charter. The basic objectives of the Trusteeship system are ~~defined~~, inter alia, as being the promotion of the political, economic, social and educational advancement of the inhabitants of the trust territories and their progressive development towards self Government or independence in accordance with their freely expressed wishes. The Trusteeship Council (under chapter 13) has no power to administer trust territories directly. It has purely supervisory functions and any extension of its functions would conflict with our present policy regarding the application of the Trusteeship system to Colonial territories. It is difficult to say how a Trusteeship Agreement designed to further the growth of the Jewish community in Palestine could be evolved within the framework of chapters 12 and 13 of the Charter.

Lord Samuel envisages the establishment in Palestine of two councils, one Arab and one Jewish. These councils are to be elected by the members of the respective communities. The proposal has much in common with the many schemes for federation which have been advanced in the past. These schemes have depended for their practicability on the readiness of the two communities to co-operate in working them. This consideration equally applies to Lord Samuel's plan. We have already announced that we are prepared to take our part in the implementation of any plan for the future of Palestine, agreeable to both Arabs and Jews. Lord Samuel's plan is therefore one which we could support. It is visionary to suppose, however, that either community could be brought to endorse it.

The plan in itself is eminently reasonable, but neither Arabs ~~nor~~ Jews are.

W. A. R. Mathias

17. 10. 47.

I agree. The plan, reasonable in itself, cannot be applied to the current situation

W. A. R. Mathias

B. 17/10

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

JGSB

Draft.

Final draft

Seen and amended by UN Dept.

M.S. Beins Oct. 20

J. Gurney 20/10

B.B. Burrows 20.10

[Signature]

[Signature]

3148 Wt. 26469/137 100m 9/46 (51) F.&S.

P.N./47/151

22.10.47 97

Draft minute from the Secretary of State to the Prime Minister, replying to the Prime Minister's personal minute serial No. M. 371/47 of Oct. 15th
Prime Minister.

Thank you for your minute No. M.371/47 of October 15th, to which was attached a possible alternative plan for a solution in Palestine which, if United Nations proceedings on the Palestine problem resulted in deadlock, might be sponsored by Lord Samuel and others.

My Department have consulted the Colonial Office and our comments on Lord Samuel's proposals are as follows.

So far as the general principles of the plan are concerned, Lord Samuel envisages the establishment in Palestine of two Councils, one Arab and one Jewish. These Councils are to be elected by the members of the respective communities. The proposal has much in common with the many schemes for federation which have been advanced in the past. These schemes have depended for their practicability on the readiness of the two communities to cooperate in working them and ~~this consideration~~ applies equally to Lord Samuel's plan. We have already announced that we are prepared to ~~take our part~~ *give effect* ~~to~~ *to* ~~in the implementation of~~ any plan for the future of Palestine, agreeable to both Arabs and Jews, but it would be visionary to suppose that both communities could be brought to endorse a plan of this kind in the present situation.

To turn to matters of detail, paragraphs 1

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Reference:

FO 371 / **61884**

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and 2 of the proposals appear to be based on a mistaken idea of the functions of the Trusteeship Council under chapter XII of the Charter. The basic objectives of the Trusteeship system are defined, inter alia, as being the promotion of the political, economic, social and educational advancement of the inhabitants of the Trust territories and their progressive development towards self-government or independence in accordance with their freely expressed wishes. Chapter XIII does not confer on the Trusteeship Council the power to administer Trust territories directly. Though the United Nations ^{Organisation} itself may, under Article 81 of the Charter, be an administering authority the Council has purely supervisory functions and any extension of these would conflict with our present policy regarding the application of the Trusteeship system to Colonial territories. It is difficult to see how a Trusteeship agreement designed to further the growth of the Jewish Community in Palestine could be evolved within the framework of chapters XII and XIII of the Charter.

With regard to the specific proposal in the last paragraph of Lord Samuel's plan for the provision of United Nations Forces, it is important to realise that the Military Staff Committee of the United Nations have been working for months on the problem of establishing certain General Principles necessary for the establishment of United Nations Forces. Progress in this work however is held up by serious differences of view between the Soviets and the majority of the other representatives. The early establishment of United Nations Forces, as planned under Article 43 of the Charter, is therefore out of the question.

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It is true, of course, that an ad hoc arrangement might be worked out under United Nations auspices but even this proposal ^{might} be difficult to implement. The fundamental obstacle, in fact, which holds up work in the Military Staff Committee, is of a political nature. You may remember in this connection that we recently deprecated an American proposal to short circuit in the course of the present session of the Assembly the existing work in the Military Staff Committee ^{by calling for national contingents} by March 31st, 1948, without working out the underlying principles first. The Minister of Defence, the Chiefs of Staff and Sir A. Cadogan advised strongly against this (please see my Private Secretary's letter of the 17th September to Helsby).

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FO 371 / 61884

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P.M./47/151.

PRIME MINISTER.

Thank you for your minute No. M. 371/47 of October 15th, to which was attached a possible alternative plan for a solution in Palestine which, if United Nations proceedings on the Palestine problem resulted in deadlock, might be sponsored by Lord Samuel and others.

2. My Department have consulted the Colonial Office and our comments on Lord Samuel's proposals are as follows.

3. So far as the general principles of the plan are concerned, Lord Samuel envisages the establishment in Palestine of two Councils, one Arab and one Jewish. These Councils are to be elected by the members of the respective communities. The proposal has much in common with the many schemes for federation which have been advanced in the past. These schemes have depended for their practicability on the readiness of the two communities to cooperate in working them, and this applies equally to Lord Samuel's plan. We have already announced that we are prepared to give effect to any plan for the future of Palestine, agreeable to both Arabs and Jews, but it would be visionary to suppose that both communities could

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FO 371 / 61884

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-2-

be brought to endorse a plan of this kind in the present situation.

4. To turn to matters of detail, paragraphs 1 and 2 of the proposals appear to be based on a mistaken idea of the functions of the Trusteeship Council under Chapter XII of the Charter. The basic objectives of the Trusteeship system are defined, *inter alia*, as being the promotion of the political, economic, social and educational advancement of the inhabitants of the Trust territories and their progressive development towards self-government or independence in accordance with their freely expressed wishes. Chapter XIII does not confer on the Trusteeship Council the power to administer Trust territories directly. Though the United Nations Organisation itself may, under Article 81 of the Charter, be an administering authority the Council has purely supervisory functions and any extension of these would conflict with our present policy regarding the application of the Trusteeship system to Colonial territories. It is difficult to see how a Trusteeship agreement designed to further the growth of the Jewish Community in Palestine could be evolved within the framework of Chapters XII and XIII of the Charter.

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Reference:

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5. With regard to the specific proposal in the last paragraph of Lord Samuel's plan for the provision of United Nations Forces, it is important to realise that the Military Staff Committee of the United Nations have been working for months on the problem of establishing certain General Principles necessary for the establishment of United Nations Forces. Progress in this work, however, is held up by serious differences of view between the Soviets and the majority of the other representatives. The early establishment of United Nations Forces, as planned under Article 43 of the Charter, is therefore out of the question. It is true, of course, that an ad hoc arrangement might be worked out under United Nations auspices but even this proposal might be difficult to implement. The fundamental obstacle, in fact, which holds up work in the Military Staff Committee is of a political nature. You may remember in this connection that we recently deprecated an American proposal to short circuit in the course of the present session of the Assembly the existing work in the Military Staff Committee by calling for national contingents by March 31st, 1948, without working out the underlying principles first.

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-4-

The Minister of Defence, the Chiefs of Staff and Sir
A. Cadogan advised strongly against this (please see
my Private Secretary's letter of the 17th September
to Helsby).

(Sd.) ERNEST BEVIN

22nd October, 1947.

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Reference: FO 371 / 61884					

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E 9966

104

1947

PALESTINE

25 OCT

Registry Number

E 9966/901/21

TELEGRAM FROM

U.S. Dept

No.

New York

Dated

3048

Received in Registry

30 Oct

25

Sub Committee 2nd
Refer New York tel. 3048 (E 9966/901/21)
for list of points of procedure prepared
at afternoon meeting by procedure and
adopted.

Last Paper.

9960

References.

(Minutes)

New theme see E 9975

27/10

I attach a copy of the UNSCOP report and have marked the passages referred to.

2. The Palestine Committee has now formed two sub Committees, one to consider the majority plan for partition, and the second to consider the Arab Plan. The Palestine Committee voted to establish these two sub Committees and to work out further details of the two schemes before taking a final vote on the principle of partition. It does not seem that sub Committee 1 can accomplish very much until our intentions with regard to withdrawal are made more clear (see paragraph 2 of this telegram). In fact the proceedings of sub-Committee 1 seem merely to be an academic background for the American drive for some practical scheme of partition which is described in New York telegram No.3075 (spare attached).

J.G.S. Beith

(J.G.S. Beith).
28th October, 1947.

(Print.)

(How disposed of.)

8, Wetheran, P.O.
M.I.S.A.
M.O.4
Adm. by
A.M.
Oct-28
(on E 9932)

(Action completed.)

(Ind.)

J.S. Wood

[Signature]

Next Paper.

E 9975

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Reference: FO 371 / 61884

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En Clair

WORLD ORGANISATION **E 2266**
DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE 25 OCT

(From United Kingdom Delegation to United Nations)

No. 3048. D. 1.19.p.m. October 24th, 1947.
October 24th, 1947. R. 7.53.p.m. October 24th, 1947.

Repeated to High Commissioner Jerusalem,
Washington, Saving.

IMMEDIATE.

GIANT.

My telegram No. 3043: Palestine sub-committee one.

At afternoon meeting following points of procedure
were proposed by Granados and adopted

- (1) the unanimous and majority recommendations of the U.N.S.C.O.P. should be basis for discussion.
- (2) They should be taken clause by clause and if no objection was raised to any clause it should be taken as approved.
- (3) Proposals for amendment should be submitted to Secretary in writing.
- (4) Each amendment proposed should be voted upon at time when vote was taken on clause to which it related.
- (5) Discussion of any clause should be postponed to a subsequent meeting at request of any member.

2. Discussion on unanimous recommendation one then opened with request by Venezuela for assistance from United Kingdom in resolving question of date when mandate should end and of arrangements for transition period. The United Kingdom representative replied to effect that while United Kingdom supported recommendation one the question of arrangements for any transition period was part of whole problem which had been put by United Kingdom to United Nations for advice. United States representative here gave support by pointing out that question arising from this recommendation was one of practicability and could not be determined without relation to other recommendations. He suggested that further discussion of this point should therefore

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be deferred. Soviet delegate argued however that it was necessary to determine when the transitional period should begin, would it begin at termination of mandate? If so a date for termination should be fixed. It was finally agreed that questions of termination of mandate and of transitional period were interdependent and that it was best to discuss unanimous recommendations 1, 2 and 3 together. Granados then pointed out that the majority recommendations in regard to transition period and also on several other points were complementary to the unanimous recommendations and suggested that parallel recommendations should be examined together.

3. The sub-committee therefore turned to examination of paragraph one of part A of the majority recommendations (page 48 of United Nations edition) and the United States gave notice of their intention to propose at a later date the substitution of the words "to be as brief as possible consistent with the provisions of section B below" in place of "of two years from 1st September 1947". Granados drew attention to the first two amendments proposed by him in his resolution of 10th October submitted to the ad hoc committee (No. 15 in my telegram No. 2983) and suggested that the sub-committee should proceed to debate the following three questions:

- (1) Will mandate over Palestine be terminated and shall the administration be assumed by the United Nations? If so at what date?
- (2) Through what organs, powers or individuals will the United Nations administer Palestine?
- (3) What shall be the duration of transitional period?

Lisicky said that these were the most delicate of all the questions in this problem and suggested postponement of their discussion. This was agreed to and discussion passed to paragraph 2 of part A.

4. United States proposed that following should be substituted for the first two lines of paragraph 2 - "Each State shall become independent when that State has adopted". He argued that it was not clear by whom independence would be granted since the administering

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authority in the transition period could not do so unilaterally. After some discussion as to the legal right of the mandatory power to grant independence during which Herschel Johnson stated that his Government had never recognised that the mandatory power exercised sovereignty in mandated territories and therefore took the view that the mandatory did not possess this right it was agreed to adopt the United States amendment. A further United States proposal to replace the word "treaty" in line six of paragraph by the "undertaking" on the grounds that treaties are made only by States already in being was accepted but ~~discussion~~ of the terms of the declaration and adoption of the paragraph as a whole ~~were~~ was left over for further discussion.

5. The Chairman then adjourned until Monday 27th October and gave notice that discussion of the three questions proposed by Granados would be taken up on that day and that all proposals for amendment of the U.N.S.C.O.P. recommendations should be submitted in writing before that date.

Please pass to High Commissioner Jerusalem as my telegram 115.

[Copies sent to Telegraph Section Colonial Office for repetition to Jerusalem.]

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REPORT
TO THE GENERAL ASSEMBLY
BY THE UNITED NATIONS
SPECIAL COMMITTEE
ON PALESTINE

GENEVA, SWITZERLAND

31st AUGUST, 1947

LONDON: HIS MAJESTY'S STATIONERY OFFICE

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[Appendix, Annexes and maps to be published later in a separate volume.]

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Note

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Preface

THE Special Committee has completed its task within the limited period of three months fixed by the General Assembly. This has entailed great pressure of work. Every effort has been made to avoid as far as possible unforgivable errors and lacunæ. It may, however, be foreseen that defects will be discovered by those who have been studying the Palestine question for years.

The problem of Palestine is not one the solution of which will emerge from an accumulation of detailed information. If such had been the case, it would have been solved long ago. Few countries have been the subject of so many general or detailed enquiries—official and unofficial—especially during the last decade. The problem is mainly one of human relationship and political rights. Its solution may only be reached through a correct appreciation of the situation as a whole and an endeavour to find a human settlement. In this respect the opinions of members of an international committee who represent various civilisations and schools of thought and have approached the question from different angles may be of some value.

While a majority and a minority plan are proposed for the settlement of the Palestine question, it must be noticed that both plans are derived from findings and principles most of which have been agreed to unanimously.

Such unanimity may assist the General Assembly in solving a question whose complexity and numerous aspects—some of them fraught with so much human tragedy—have frustrated all previous efforts.

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Introduction

THE present volume contains the Report and Recommendations submitted by the Special Committee on Palestine to the Second Session of the General Assembly of the United Nations. It comprises a preface, eight chapters, an appendix and a series of annexes.

The factual information presented in the first four chapters is intended to illustrate the various phases of the Committee's work and to serve as a background to the problem with which it dealt.

Chapter I describes the origin and constitution of the Special Committee and summarises its activities in Lake Success, Jerusalem, Beirut and Geneva.

Chapter II analyses the basic geographic, demographic and economic factors, and reviews the history of Palestine under the Mandate. The Jewish and Arab claims are also set forth and appraised.

Chapter III deals with the particular aspect of Palestine as the Holy Land sacred to three world religions.

Chapter IV consists of an analysis and recapitulation of the most important solutions put forward prior to the creation of the Committee or presented to it in oral or written evidence.

The following three chapters contain the recommendations and proposals which are the main result of the work of the Committee during its three months of activity.

In Chapter V eleven unanimous recommendations on general principles are put forward. A further recommendation of a similar nature, which was adopted with two dissenting votes, is also recorded.

Chapters VI and VII contain respectively a majority and a minority plan for the future government of Palestine, including provisions for boundaries.

The final Chapter provides a list of the reservations and observations by certain delegations on a number of specific points. The text of these reservations and observations will be found in the Appendix to the Report.

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Chapter I.—The Origin and Activities of United Nations Special Committee on Palestine

A.—CREATION OF THE SPECIAL COMMITTEE: ITS TERMS OF REFERENCE AND COMPOSITION

CONVOCATION AND AGENDA OF THE SPECIAL SESSION OF THE GENERAL ASSEMBLY

ON 2nd April, 1947, the United Kingdom Delegation addressed a letter to the Acting Secretary-General of the United Nations requesting that the question of Palestine be placed on the agenda of the next regular session of the General Assembly and, further, that a Special Session of the General Assembly be summoned as soon as possible for the purpose of constituting and instructing a special committee to prepare for the consideration of the question by the Assembly at its next regular Session. The letter also indicated that the United Kingdom Government would submit to the General Assembly an account of their administration of the Palestine Mandate and would ask the Assembly to make recommendations under Article 10 of the Charter, concerning the future government of Palestine.⁽¹⁾

2. Acting in accordance with Rule 4 of the Provisional Rules of Procedure of the General Assembly, the Secretary-General communicated the request for a special session to the Member States. By 13th April, 1947, the requisite majority had concurred with the request, and the Secretary-General summoned the first Special Session of the General Assembly to be opened at the General Assembly Hall, Flushing Meadows, New York, on 28th April, 1947.

3. Five Member States (Egypt, Iraq, Syria, Lebanon and Saudi Arabia) communicated to the Secretary-General the request that the following additional item be placed on the agenda of the Special Session: "The termination of the Mandate over Palestine and the declaration of its independence."⁽²⁾

4. The General Committee of the Assembly recommended the inclusion in the agenda and the reference to the First Committee of the item submitted by the United Kingdom Government, but, after due consideration at its 29th, 30th and 31st meetings of the item submitted by the Arab States, decided by a vote of 8 in favour, 1 against, with 3 abstentions, not to recommend the inclusion of that item on the agenda:

5. The recommendations of the General Committee were subsequently adopted by the General Assembly at its 70th and 71st plenary meetings.

6. Hence, the sole item on the agenda of the Special Session was that submitted by the United Kingdom Government, viz., "Constituting and Instructing a Special Committee to prepare for the Consideration of the Question of Palestine at the Second Regular Session." In accordance with the decision of the General Assembly, the item was referred to the First Committee of the Assembly for its consideration.

HEARINGS

7. Acting in consequence of a recommendation of the General Committee, the General Assembly decided also that the First Committee should grant a hearing to the Jewish Agency for Palestine, and should take a decision upon

(1) Text of letter attached as Annex 1.

(2) Texts of communications (Documents A/287-A/291) attached as Annex 2.

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communications from other organisations seeking to express their views on the Palestine problem.

8. After discussion, the First Committee determined at its 48th meeting to grant a hearing to the Arab Higher Committee, a decision which the General Assembly declared to be a correct interpretation of its intention.

9. Accordingly, representatives of the Jewish Agency for Palestine and the Arab Higher Committee presented their views with regard to the constituting and instructing of the special committee which might be created by the Assembly.⁽³⁾

10. Requests for hearings submitted by other organisations were refused because it was considered that the organisations in question did not fulfil the requirement established by the First Committee, viz., that the organisations heard should represent a considerable element of the population of Palestine. It was noted that this decision did not exclude the possibility of these organisations being heard by the committee of investigation once it had been established.

STATEMENT BY THE UNITED KINGDOM REPRESENTATIVE

11. At the first meeting of the General Committee, the Representative of India questioned Sir Alexander Cadogan about a statement made by "an authoritative representative" of the United Kingdom Government that, whatever the recommendations of the United Nations, the United Kingdom was not prepared at this stage to say that it would accept these recommendations. Sir Alexander Cadogan replied that the actual statement had been, "I cannot imagine His Majesty's Government carrying out a policy of which it does not approve." This did not mean that the Government would not accept any recommendation of the Assembly, but only that it would not carry out a decision it felt to be wrong.

12. The representative of the United Kingdom made a further statement of explanation of his Government's stand at the 52nd meeting of the First Committee. He said then, *inter alia*, "We have tried for years to solve this problem of Palestine. Having failed so far, we now bring it to the United Nations, in the hope that they can succeed where we have not. If the United Nations can find a just solution which will be accepted by both parties, it could hardly be expected that we should not welcome such a solution. All we say—and I made this reservation the other day—is that we should not have the sole responsibility for enforcing a solution which is not accepted by both parties and which we cannot reconcile with our conscience."⁽⁴⁾

DECISIONS OF THE FIRST COMMITTEE

13. The First Committee held twelve meetings in its consideration of the question of constituting and instructing a special committee on Palestine.

14. With regard to the terms of reference, it was generally agreed that the special committee should be given the broadest competence to conduct its investigation and to ascertain the facts of all issues relevant to the problem. The Committee approved the final text of the terms of reference at its 55th and 56th meetings.

15. Discussions as to the composition of the special committee focussed primarily on the question of the inclusion or non-inclusion of the five permanent Members of the Security Council. After a lengthy debate, the

⁽³⁾ Jewish Agency for Palestine: 50th, 52nd, 54th, 55th meetings. Arab Higher Committee: 52nd, 55th meetings.

⁽⁴⁾ Cf. Document A/C.1/P.V.52, pp. 66-67.

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Australian resolution, providing that the special committee should consist of eleven members, not including the five permanent Members of the Security Council, was adopted at the 57th meeting by a vote of 13 in favour, 11 against, with 29 abstentions. The following composition of the Committee was subsequently approved by a vote 39 in favour, 3 against, with 10 abstentions: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia.

FINAL DECISIONS OF THE GENERAL ASSEMBLY

16. The report of the First Committee, including its final resolution concerning the composition and the terms of reference of a special committee on Palestine, was discussed by the General Assembly at its 77th, 78th and 79th plenary meetings.

17. The General Assembly adopted the recommendations of the First Committee by a final vote (on the resolution as a whole, after having voted each paragraph) of 45 in favour and 7 against,⁽⁵⁾ with one abstention.⁽⁶⁾

18. The text of the final resolution constituting and instructing the United Nations Special Committee on Palestine is as follows:—

“ WHEREAS the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next regular session of the Assembly a report on the question of Palestine,

“ The General Assembly

“ RESOLVES that:

“ 1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia;

“ 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine;

“ 3. The Special Committee shall determine its own procedure;

“ 4. The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the Mandatory Power, from representatives of the population of Palestine, from Governments and from such organisations and individuals as it may deem necessary;

“ 5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;

“ 6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;

“ 7. The Special Committee's report shall be communicated to the Secretary-General not later than 1st September, 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the Second Regular Session of the General Assembly;

“ The General Assembly

“ 8. REQUESTS the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the

⁽⁵⁾ Afghanistan, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Turkey.

⁽⁶⁾ Siam.

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Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;

"9. AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee on such basis and in such form as he may determine most appropriate in the circumstances."

19. At the same meeting (the 79th) the General Assembly unanimously adopted (with a number of abstentions) the following resolution proposed by the Representative of Norway:—

"The General Assembly calls upon all Governments and peoples, and particularly on the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine."

MEMBERSHIP OF THE COMMITTEE AND SECRETARIAT

20. In answer to a telegram from the Secretary-General requesting that representatives to the Special Committee be named as early as possible, the Governments of the eleven States which comprise the Committee communicated the appointment of the following delegates and alternates:—

Australia ...	...	Mr. J. D. L. Hood, Delegate. Mr. S. L. Atyeo, Alternate.
Canada ...	...	Justice I. C. Rand, Delegate. Mr. Leon Mayrand, Alternate.
Czechoslovakia ...	...	Mr. Karel Lisicky, Delegate. Dr. Richard Pech, Alternate.
Guatemala ...	...	H.E. Dr. Jorge Garcia Granados, Delegate. Mr. E. Z. Gonzales, Alternate.
India ...	...	Sir Abdur Rahman, Delegate. Mr. Venkata Viswanathan, Alternate. Mr. H. Dayal, Second Alternate.
Iran ...	...	H.E. Mr. Nasrollah Entezam, Delegate. Dr. Ali Ardalan, Alternate.
Netherlands ...	...	Dr. N. S. Blom, Delegate. Mr. A. I. Spits, Alternate.
Peru ...	...	H.E. Dr. Alberto Ulloa, Delegate. H.E. Dr. Arturo Garcia Salazar, Alternate.
Sweden ...	...	Justice Emil Sandstrom, Delegate. Dr. Paul Mohn, Alternate.
Uruguay ...	...	Professor Enrique Rodriguez Fabregat, Delegate. Mr. Secco Ellauri, Alternate.
Yugoslavia ...	...	Mr. Vladimir Simic, Delegate. Dr. Jose Brilej, Alternate.

21. The Secretary-General, in accordance with paragraph 8 of the resolution constituting and instructing the Special Committee, designated a Secretariat of 57 members, headed by Dr. Victor Hoo (Assistant Secretary-General in charge of Trusteeship and Information from Non-Self-Governing Territories), as the Secretary-General's Personal Representative to the Committee, and Dr. Alfonso Garcia Robles (Director, General Political Division, Department of Security Council Affairs) as Principal Secretary.

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B.—SUMMARY OF THE ACTIVITIES OF THE
SPECIAL COMMITTEE

22. The Special Committee on Palestine held its first meeting at the interim headquarters of the United Nations at Lake Success, New York, on Monday, 26th May, 1947, at 3 p.m.

23. From that date until 31st August, 1947, the day of the signature of this Report, the Committee has held 16 public meetings and 36 private meetings. The activities of the Committee are, for the purposes of this summary, divided according to its place of meeting, *i.e.*, Lake Success, Jerusalem, Beirut and Geneva.

WORK OF THE COMMITTEE AT LAKE SUCCESS

24. The first meeting was called to order and presided over by the Secretary-General of the United Nations, who welcomed the Committee and spoke of the importance of its task. The Members received the first three volumes of the Working Documentation on Palestine prepared by the Secretariat.⁽⁷⁾

25. The Committee decided to continue its meeting in private in order to exchange points of view on its future work. After an exploratory discussion, it was agreed to create a Preparatory Working Group which should produce some suggestions on various organisational matters for the consideration of the Committee.

26. The Preparatory Working Group held three meetings at the Empire State Building and presented its suggestions to the Committee at the second meeting held at Lake Success on Monday, 2nd June, 1947.

27. At this second meeting and at the third and fourth meetings, held respectively on 3rd and 6th June, the Committee took the following main decisions:—

- (a) Justice Emil Sandstrom (Sweden) and Dr. Alberto Ulloa (Peru) were elected Chairman and Vice-Chairman, respectively.
- (b) Provisional Rules of Procedure⁽⁸⁾ were adopted.
- (c) It was decided to request statements in writing from the organisations which had asked to be heard in New York, but not to grant any hearings there before the Committee's departure.
- (d) It was agreed to postpone until arrival in Palestine any discussion of communications from displaced persons requesting that the Committee visit assembly centres in Europe.
- (e) Rule 31 concerning the designation of Liaison Officers was communicated to the Mandatory Power, the Jewish Agency for Palestine and the Arab Higher Committee.

⁽⁷⁾ Volume I, "Reference Library on Palestine" (Document A/AC.13/1, 82 pages);

Volume II: "Principal Documents of Governments and Recognised Agencies Suggesting Solutions of the Palestine Question, and Reactions Thereto" (Document A/AC.13/2, 356 pages);

Volume III, "General Background Survey" (Document A/AC.13/3, 294 pages).

The following two volumes were later added to this documentation and distributed at Geneva:—

Volume IV, "Tabulated Summary of Material Contained in the Written and Oral Statements Submitted to the Special Committee on Palestine before their Departure from Jerusalem" (Document A/AC.13/69, 221 pages);

Volume V, "Index to Records of the First Special Session of the General Assembly" (Document A/AC.13/74, 60 pages).

⁽⁸⁾ Annex 3.

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- (f) A tentative plan of work was adopted, in the sense that, upon its arrival in Palestine, the Committee should, first, ask the Government of Palestine to furnish factual information on its constitution and functions together with other relevant data; second, request the Arab and Jewish Liaison Officers to present observations on this statement; third, make a brief survey of the country; and fourth, conduct hearings.

WORK OF THE COMMITTEE IN PALESTINE

28. The Committee arrived in Palestine in stages on 14th and 15th June and met for the first time in Jerusalem (Fifth meeting) on Monday, 16th June, 1947, at the Y.M.C.A. Building.

(a) Decisions on the Programme of Work

29. The Committee acted upon the decision taken at its last meeting in New York to visit various parts of Palestine. In drawing up the itinerary, three documents were taken into account: a draft itinerary proposed by the Government of Palestine, another suggested by the Jewish Agency for Palestine, and a third prepared on the basis of these two documents by the Delegate of Netherlands. The suggested itineraries were referred for study and report to a Sub-committee (Sub-committee 1) composed of the Alternate Representatives and presided over by Dr. Ralph Bunche of the Secretariat. On the basis of their suggestions, the Committee approved in subsequent meetings the itinerary which was undertaken from 22nd June to 3rd July, a detailed description of which is set out as Annex 4.

(b) Designation of Liaison Officers

30. The Government of Palestine informed the Committee that it had appointed Mr. D. C. MacGillivray to be responsible for liaison with the Committee and that Mr. H. C. Dobbs should assist on administrative matters. The Jewish Agency for Palestine named as its Liaison Officers, Major Aubrey S. Eban and Mr. David Horowitz.

31. The Committee was further informed at its 37th meeting that the Mandatory Power had appointed Mr. D. C. MacGillivray to act in Geneva as its Liaison Officer to the Committee within the meaning of Rule 31 of the Provisional Rules of Procedure.

(c) Non-co-operation of the Arab Higher Committee

32. At its fifth meeting (the first meeting held in Jerusalem) the Committee was informed by a cablegram from the Secretary-General of the United Nations of the decision of the Arab Higher Committee to abstain from collaboration with the Special Committee.⁽⁹⁾ The communication was read at the seventh meeting, with the result that, while the Committee unanimously expressed its hope to secure the co-operation of all parties, it decided not to take any formal action, considering that the Chairman had on the previous day made an appeal by radio for the full co-operation of all parties.⁽¹⁰⁾

33. The Committee discussed again at its 22nd and 23rd meetings on 8th July the question of addressing to the Arab Higher Committee a further request for co-operation. The Committee reaffirmed its conviction as to the desirability of securing Arab co-operation, and after discussion as to the means by which this might best be accomplished, decided to address a

⁽⁹⁾ Annex 5.

⁽¹⁰⁾ Annex 6.

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letter⁽¹¹⁾ directly to the Arab Higher Committee expressing that the Special Committee had noted with regret the decision of the former not to co-operate, and repeating the Special Committee's invitation for full co-operation as expressed by the Chairman in his broadcast of 16th June.

34. On 10th July a letter was received from Mr. Jamal Husseini, Vice-Chairman of the Arab Higher Committee, stating that the Committee found no reason to reverse the previous decision to abstain from collaboration submitted to the Secretary-General of the United Nations on 13th June, 1947.⁽¹²⁾

(d) Oral and Written Testimony from Governments, Organisations, Religious Bodies and Individuals

35. In accordance with its decision taken at Lake Success, the Committee devoted its sixth meeting to the reception of factual information presented by representatives of the Government of Palestine, Sir Henry Gurney, Chief Secretary, and Mr. D. C. MacGillivray. At the request of the witnesses, and in view of the situation prevailing in Palestine, the meeting was held in private.

36. Representatives of the Jewish Agency for Palestine, Mr. M. Shertok and Mr. D. Horowitz, were given an opportunity at the eighth meeting to present their views on the "Survey of Palestine" published by the Palestine Government and to give information similar to that submitted at the sixth meeting by the Government officials.

37. At its tenth meeting the Committee considered that a sufficient number of requests for hearings had been received to justify the nomination of a Sub-committee to deal with the matter. Accordingly, Sub-committee 2 was constituted comprising the Delegates of Australia, Netherlands, Uruguay and Yugoslavia together with the Personal Representative of the Secretary-General. Dr. N. S. Blom, Representative of Netherlands, was elected Chairman. The Sub-committee held two meetings on 24th and 25th June and presented to the Committee at its 13th meeting recommendations as to (a) the criteria by which hearings should be granted, and (b) a list of organisations and individuals who should be heard on the basis of these criteria. The recommendations were approved with minor changes.⁽¹³⁾

38. The Sub-committee presented three more reports,⁽¹⁴⁾ including recommendations. On the basis of these reports and after having considered directly a number of applications for hearings, the Committee decided to grant hearings in Jerusalem to the Government of Palestine, to the Jewish Agency for Palestine, to a number of other Jewish organisations and religious bodies, and to Dr. Chaim Weizmann in his personal capacity.⁽¹⁵⁾

39. Upon the suggestion of some members of the Committee that the opinions of the Arab States be heard, the Committee resolved to invite the Arab States to express their views on the question of Palestine.

⁽¹¹⁾ Annex 7.

⁽¹²⁾ Annex 8.

⁽¹³⁾ Text of Sub-committee Report, Document A/AC.13/SC.2/5; Decisions of the Committee regarding oral hearings summarised in Document A/AC.13/27.

⁽¹⁴⁾ Second, third and fourth Reports of Sub-committee, Documents A/AC.13/SC.2/7, 9 and 10, respectively.

⁽¹⁵⁾ The hearings in Jerusalem comprise sixteen meetings, of which thirteen were public and three private. The records of the public meetings are contained in a separate volume, which is Annex A to this report. In addition, the volume includes: (a) an index to the hearings in chronological order; (b) a list, in alphabetical order, of Governments, Organisations and Religious Bodies heard; (c) a list of individual witnesses in alphabetical order; and (d) an index by subject to the testimony received.

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40. It was decided that a letter should be addressed to this effect by the Personal Representative of the Secretary-General to the Consular Representatives in Jerusalem of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Transjordan, and to the Government of Yemen through the Consul-General of Lebanon,⁽¹⁶⁾ leaving to the Arab States in conference among themselves the choice of a time and place mutually convenient to them and the Committee.

41. Letters of acceptance were received from Egypt, Iraq, Lebanon, Syria and Saudi Arabia with the information that Beirut had been designated as the place of meeting.⁽¹⁷⁾

42. The Consul-General of Transjordan replied for his Government that, since Transjordan was not a member of the United Nations, it was not prepared to send a delegate outside the country to give evidence, but that it would welcome the Committee or any of its members who might wish to pay a visit for that purpose to Transjordan.⁽¹⁸⁾

43. Having taken note of this communication, the Committee determined at its 34th meeting to inform the Consul-General of Transjordan that it regretted the decision of his Government not to send a delegate to Beirut; that the Committee, owing to the pressure of time, could not go at that moment to Transjordan; and that it would inform the Representative of Transjordan in Beirut whether upon the completion of work there it would be able to go to Amman.

44. In addition to the oral testimony, a large number of written statements⁽¹⁹⁾ were received by the Committee in accordance with its request for such statements from those organisations which had asked to be heard in New York and as a result of the invitation to submit written testimony made public in Palestine by the Committee prior to its arrival there.

(e) Communications and Petitions

45. The Committee received a large volume of communications making requests for assistance or intervention. At the 20th meeting the Committee was informed of a number of petitions for its assistance in obtaining immigration certificates and for intervention to secure the release of prisoners or detainees. It was decided in general that such requests should be answered in the negative with the statement that it was not within the competence of the Committee to intervene in such cases.

46. Subsequently, at the 23rd and 25th meetings the Committee was confronted with additional similar requests for assistance and with appeals for it to investigate prison conditions, to inquire into the methods of British police, and to examine the conditions of the Jews in Yemen, and the plight of refugees in Aden. Again, it was concluded that these petitions fell outside the terms of reference of the Committee.

47. Among the communications considered at the 23rd meeting were three appeals from organisations composed of illegal immigrants who had been apprehended and deported to Cyprus and who were now awaiting their turn to enter Palestine under immigration quotas.⁽²⁰⁾ The argument

⁽¹⁶⁾ Text of letters reproduced as Documents A/AC.13/48 and A/AC.13/55.

⁽¹⁷⁾ Text of letters reproduced as Documents A/AC.13/49 and 56 (Egypt), A/AC.13/50 (Iraq), A/AC.13/51 (Lebanon), A/AC.13/58 (Syria), and A/AC.13/62 (Saudi Arabia).

⁽¹⁸⁾ Text of letter reproduced as Document A/AC.13/52.

⁽¹⁹⁾ A list of these written statements, in the alphabetical order of their sponsors, together with a brief description of each is attached as Annex 9.

⁽²⁰⁾ Text of communications reproduced as Documents A/AC.13/NC25 and N/AC.13/NC43.

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advanced by those members who favoured a visit to Cyprus was that, although the Committee could not take action for the liberation of the detainees, it could investigate the conditions under which they were living. Other members expressed the opinion that these conditions were well known and that, in any case, a possible visit of the Committee to the displaced persons' camps of Europe would be sufficient to acquaint them at first hand with camp conditions. These members also mentioned how short a time was left to the Committee to complete its work.

48. After discussion, it was decided, by a vote of 3 in favour, 6 against, with 2 abstentions, not to make a visit to Cyprus. The request of the Cyprus detainees that they be permitted to send representatives to Jerusalem to give evidence was also rejected by a vote of 4 in favour, 5 against, with 2 abstentions.

(f) *Action of the Committee with Regard to Three Death Sentences*

49. Among the petitions received by the Committee was one addressed to the Chairman by the relatives of three young men sentenced to death by the Military Court of Jerusalem on 16th June, appealing to the Committee to use its good offices in order to secure a commutation of the sentences.⁽²¹⁾

50. Considerable discussion ensued on this question during the 9th, 10th, 11th and 12th meetings, in the course of which several arguments were advanced in favour of and against granting the request contained in the letter, and concerning what would be the best procedure to adopt in either case.

51. The main arguments which prevailed among those so presented may be summarised as follows;—

- (a) It was beyond the terms of reference of the Committee to interfere with the judicial administration in Palestine.
- (b) The Committee should, however, take some step not implying such interference in order to point out that the execution of the death sentences might have repercussions on the task entrusted to the Committee and this action should be taken as soon as possible because the sentences could be executed at any moment in view of the existence of certain Defence Emergency Regulations recently issued.⁽²²⁾
- (c) The Resolution adopted by the General Assembly with the purpose of avoiding increasing tension in Palestine⁽²³⁾ provided sufficient basis for action of the nature envisaged.
- (d) Concerning procedure, the best thing to do would be to follow the precedent established by the Mandatory Power when it addressed a communication to the Secretary-General of the United Nations⁽²⁴⁾ for transmission to other Governments requesting their co-operation in the discouragement of illegal immigration into Palestine while the question remained *sub judice* by the United Nations Special Committee.

52. These prevailing arguments found expression in two documents adopted by the Committee at its 12th meeting—a Resolution⁽²⁵⁾ and a letter of reply to the petitioners.⁽²⁶⁾

⁽²¹⁾ Annex 10.

⁽²²⁾ Annex 11.

⁽²³⁾ Text reproduced above in Section A, page 4.

⁽²⁴⁾ Annex 12.

⁽²⁵⁾ Annex 13.

⁽²⁶⁾ Annex 14.

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53. The Resolution (approved by a vote of 9 in favour, 1 against and 1 abstention) stated that the majority of the Committee expressed their "concern as to the possible unfavourable repercussions" that execution of the three death sentences might have upon the fulfilment of the Committee's task. It went on to point out that, in view of the opinion of the majority as to the scope of the resolution passed unanimously by the General Assembly requesting that "all Governments and peoples" refrain, pending action by the Assembly on the report of the Special Committee, from "the threat or use of force or any action which might create an atmosphere prejudicial to an early settlement of the question of Palestine," this concern should be communicated to the Mandatory Power through the Secretary-General of the United Nations, together with the text of the letter received from the relatives of the condemned persons. Prior to the vote on the resolution as a whole, three members had indicated by a negative vote that they dissented from expressing concern.

54. The letter that the Committee agreed (by a vote of 8 in favour and 3 against) to send to the relatives stated that, after having considered their appeal with a full appreciation of their anguish, the Committee had determined that interference with the judicial administration in Palestine was beyond its instruction and function; but, having regard in the circumstances to the task of the Committee, the matter was being brought to the attention of the proper authorities.

55. At its next meeting (13th) the Committee was apprised of a letter from the Chief Secretary of the Government of Palestine pointing out that the death sentences had not been confirmed, and maintaining that the matter was still *sub judice* and should not be subject to public comment.⁽²⁷⁾

56. The Committee adopted the motion of one of the members who stated that, although he did not accept the legal contention in the Chief Secretary's letter that the matter was still *sub judice*, he felt that no useful purpose would be served by a further discussion, and therefore asked that the matter should be closed.

57. The Committee also received at its 25th meeting a telegram from the Secretary-General⁽²⁸⁾ dated 30th June, forwarding the text of the reply of the United Kingdom Government to the above Resolution of the Committee. It reiterated the contention of the Palestine authorities that the sentences were still *sub judice*, that, if the sentences were confirmed by the General Officer Commanding, the High Commissioner could still exercise the royal prerogative of pardon, and that it was "the invariable practice" of His Majesty's Government not to interfere with the exercise of this discretion. The United Kingdom Government could not admit the relevance of the General Assembly resolution, which in its view applied to "action calculated to disturb the peace in Palestine," and was not applicable to the normal processes of the administration of justice in Palestine.

58. The Committee was of the opinion that there was no need to take up the matter again.

(g) *Expression of Concern over Acts of Violence*

59. The members of the Committee discussed at the 14th and 15th meetings their concern over the acts of violence committed since the arrival of the Special Committee in Palestine, and recorded⁽²⁹⁾ their sense that such acts constituted a flagrant disregard of the appeal made in the Resolution of the General Assembly of 15th May, 1947.

⁽²⁷⁾ Annex 15.

⁽²⁸⁾ Annex 16.

⁽²⁹⁾ Annex 17.

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WORK OF THE COMMITTEE IN BEIRUT

60. The 38th (public)⁽³⁰⁾ and 39th (private) meetings in Beirut were devoted to hearing the views on the Palestine problem of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen.

61. At the 40th meeting it was decided to refuse the application for hearing of a private person, since the Committee had come to hear the views of the Arab States and not of private individuals.

62. The Chairman and seven members of the Committee, in their private capacities, went to Amman for a brief visit on 25th July after the completion of the Committee's work in Beirut.

WORK OF THE COMMITTEE IN GENEVA

(a) Hearings and Petitions

63. The Committee decided at the first meeting in Geneva (the 41st) to refuse a request for hearing, and deferred the question of whether to ask the Mandatory Power to give additional oral information. Upon receipt of a letter from the Mandatory Power concerning further evidence to the Committee, it was affirmed at the 44th meeting that no action should be taken at the time. At the 45th meeting it was decided that other requests for hearings should be refused.

64. The Committee received a number of petitions asking intervention on behalf of a group of illegal immigrants who had been apprehended and transported in British ships from Palestine to Port de Bouc, France, where they refused to disembark. The Committee agreed that it had no authority to intervene.

(b) Visit to Displaced Persons' Camps

65. At the first meeting in Geneva the Committee also took up the question of a visit to displaced persons' camps, a matter which had been already discussed in both Lake Success and Jerusalem, but upon which decision had been deferred. The discussion was continued to the next meeting, at which a representative of the Preparatory Commission of the International Refugee Organisation appeared before the Committee to describe activities in the resettlement of displaced persons, and to answer questions regarding Jewish displaced persons in particular.

66. The Committee was divided on the question of principle involved in such a visit. Some members expressed the view that the visit was unnecessary. It was common knowledge that the people in the camps wanted to go to Palestine, and the Committee could add no new facts. Others felt that the Committee should inspect the camps because it was obliged by its terms of reference to do so. The view was expressed by two members that it was improper to connect the displaced persons, and the Jewish problem as a whole, with the problem of Palestine, while a third felt that the Committee's work had not yet reached a stage in which this relationship had become clear. A number of members indicated that they would not oppose a visit.

67. After this discussion the Committee voted, 6 in favour, 4 against, with 1 abstention, that a visit should be made to displaced persons' camps. It was determined that the Sub-committee (Sub-committee 3) should be

⁽³⁰⁾ The verbatim record of this meeting is published in the separate volume which is Annex A to this Report.

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composed of either the principal or alternate representatives of ten of the eleven members, so as to permit the work in Geneva to be continued in the absence of the Sub-committee.

68. The Sub-committee held two meetings on 31st July and 1st August. At the first meeting, Mr. J. D. L. Hood, the Representative of Australia, was elected Chairman. The Sub-committee proposed for the consideration of the Committee drafts of an itinerary and terms of reference, which were subsequently adopted at the 44th meeting. The terms of reference read as follows:—

“The Sub-committee shall visit selected representative assembly centres for Jewish refugees and displaced persons in Germany and Austria, with a view to ascertaining and reporting to the Committee on the attitude of the inmates of the assembly centres regarding resettlement, repatriation or immigration into Palestine.”

69. The Sub-committee visited from 8th to 14th August a number of these assembly centres in Germany and Austria. Its report⁽³¹⁾ was approved at the 45th meeting at which it was further decided that it should be attached as an Annex to the Report of the Committee.

(c) *Religious Interests and the Holy Places; the Status of Jerusalem*

70. A Special sub-committee (Sub-committee 4) consisting of the eleven alternate delegates was constituted to study the question of Religious Interests and Holy Places. The status of Jerusalem was also referred to the Sub-committee.

71. The Sub-committee met under the chairmanship of Mr. A. I. Spits (Netherlands). It proposed that certain stipulations relating to the Holy Places and religious and minority rights should be inserted in the Constitution(s) of the State(s) which would be created. Such stipulations have—with various amendments—been inserted in the two plans which are submitted to the General Assembly.

72. The recommendations regarding the creation of a “City of Jerusalem” which will be found in the plan of the majority were inspired by proposals, made in the same Sub-Committee by the Delegates of Canada, Netherlands, Peru and Sweden. The Delegates of India, Iran and Yugoslavia disagreed with these recommendations. Reservations made in the Sub-Committee by the Representatives of Czechoslovakia, Guatemala and Uruguay were later withdrawn and the amended text of the recommendations on the City of Jerusalem has been inserted in the plan submitted by the majority of the Committee.

(d) *Preparation of the Report*

73. At the 42nd meeting the Chairman and two members presented suggestions as to the working programme of the Committee for the preparation of the Report. After informal consultation, they presented at the next meeting a memorandum on the Future Work-Programme of the Committee which combined their proposals, and which was adopted with some amendments. It was approved also that informal memoranda might be submitted by delegates or members of the Secretariat as the basis for discussion of each point contained in the work-programme.

(31) Annex 18.

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74. At the suggestion of one of the members it was agreed to have informal exchanges of views in lieu of formal meetings to facilitate the preliminary work. A number of informal talks ensued at which the Committee attempted to ascertain their field of agreement on the important aspects of the Palestine problem.

75. At the 47th meeting a record vote was taken upon the two proposals which had emerged from the informal discussions and from three working groups which had been formed when two constitutional plans were advanced. Three members (the Representatives of India, Iran and Yugoslavia) placed themselves on record as favouring a federal State plan. Seven voted against, with the representative of Australia abstaining. Seven members (the Representatives of Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden, and Uruguay), while reserving their positions on boundaries and on the status of Jerusalem, voted in favour of the principle of partition with economic union. Three members voted against, with the Representative of Australia abstaining. After further discussion, agreement was later reached on both outstanding questions among the seven members supporting the plan of partition with economic union.

76. As a result of the discussions of the working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as was evidenced in the 47th meeting of the Committee. On the basis of this measure of agreement, a drafting sub-committee was appointed to formulate specific texts.

77. In the course of its 49th meeting on 29th August, 1947, the Committee considered the report of the drafting sub-committee and unanimously approved eleven recommendations to the General Assembly, the texts of which are set forth in Chapter V of this report. A twelfth recommendation was made with two dissenting votes.

78. At the 50th and 51st meetings were approved the texts of the Preface of the Report and of two of the four chapters setting out the findings of fact of the Committee (the others having been approved at previous meetings, except for the last section of Chapter I).

79. Finally, at the 52nd meeting, the representatives appended their signatures to the approved text of the Report and to the covering letter to the Secretary-General.

80. The representatives also recorded their appreciation of the assistance in the furnishing of information necessary to their full understanding of the situation in Palestine, as well as the attentions to their personal convenience in carrying out their enquiry, so freely given them by his Excellency Sir Alan Cunningham, the High Commissioner of Palestine, and the officials of the Palestine Administration while in Palestine; and to the Government of Lebanon for the unstinted hospitality extended to them during their stay in that country.

81. At this final meeting the Committee also recorded that it had had in its work the assistance of a competent and diligent Secretariat under the direction of Dr. Victor Hoo, the Personal Representative of the Secretary-General, and Dr. Alfonso Garcia Robles, Principal Secretary. The Committee expressed its deep appreciation of the unremitting and invaluable labours of the Secretariat in organising and co-ordinating the Committee's activities, in furnishing research and technical data, in lending assistance at its meetings, and in co-operating in the preparation of this Report.

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Chapter II.—The Elements of the Conflict

A.—GEOGRAPHIC AND DEMOGRAPHIC FACTORS

PHYSICAL FEATURES

1. The total land area of Palestine is estimated to be about 26,000 square kilometres or a little over 10,000 square miles⁽³²⁾, but about half of this area is uninhabitable desert.

2. Situated at the cross-roads between Europe, Asia and North Africa, however, this small territory enjoys a geographical position from which it has derived, during much of its turbulent history, the ill-matched gifts of political strife and economic advantage.

3. The geographical and topographical conditions of Palestine are an important element in its problem, and it is vital, therefore, to grasp their main features. On the west, stretching from the Mediterranean Sea, is the coastal plain, very narrow in the north but widening considerably further south, although at no point more than some twenty miles in width. This plain is broken into two parts by a narrow spur of hills pointing like a finger towards the town of Haifa from the direction of the south-east.

North of Haifa is the small coastal plain of Acre and to the south is the more extensive maritime plain. Reaching inland to the north of Mount Carmel, near Haifa, are the broad inland plains of Esdraelon and Jezreel breaking into the upper Jordan valley south of the Sea of Galilee. In the Huleh valley to the north of the Sea of Galilee is a stretch of unreclaimed swamp.

Apart from these inland plains in the north and portions of the desert area in the south, the interior of the country is very mountainous with the hills of Judea and Samaria in the centre and the hills of Galilee in the north. These hills fall away in the east to the rift valley of the River Jordan, which marks the eastern boundary of Palestine with the State of Transjordan and which, starting from the borders of Syria and Lebanon with Palestine, flows through the Sea of Galilee to empty itself in the waters of the Dead Sea, some twelve hundred feet below sea level. To the south is the vast area of the Beersheba district, which is arid, semi-desert, supporting at present a very small settled population and about 90,000 Bedouin nomads. As the annual rainfall diminishes further to the south, this merges into the Negreb proper—a wild confusion of limestone hills, practically rainless and almost without life.

WATER RESOURCES

4. Along the whole western limits of Palestine lies the Mediterranean Sea, from which, by the natural processes of evaporation and precipitation, the country receives its most valuable commodity—water. The heaviest precipitation is over the coastal plain and in the northern and central hills, where it is sufficient to support permanent agriculture. Over the Jordan Valley and further south in the Beersheba area the rainfall is too small for summer crops unless the land is watered by irrigation. Under natural conditions even winter crops are subject to frequent failure in these regions. In the circumstances it is not surprising to find the population distribution

⁽³²⁾ A Survey of Palestine—prepared for the Anglo-American Committee by the Government of Palestine—Vol. I, p. 103.

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 in Palestine coinciding very closely with rainfall distribution if some allowance is made for the fact that the plains are, for other reasons, more favourable to dense settlement than are the hills.

5. Broadly speaking, any further considerable development of agriculture in Palestine must rely on a more intensive use of the land by irrigation, rather than an extension of the area of cultivation. Climatically the most striking feature of Palestine is the regular recurrence of winter rain followed by a prolonged summer drought. Where irrigation is possible the soil can generally be made to produce crops intensively all the year round. Moreover the climate is suitable for the production of a wide variety of vegetables and fruits from sub-tropical products, which can be produced in the Jordan Valley, to the products of temperate climates, and this possibility of great variety of agricultural production is a fact of considerable economic importance. Under natural conditions, however, summer cropping depends on the amount of moisture that can be conserved during the rainy season by repeated ploughing of the bare fallow.

6. Irrigation has been greatly developed in recent years and the limits of development have by no means been reached. Nevertheless its extension on a considerable scale presents difficulties of cost and of water supply, for Palestine, unlike Egypt, has no great river flowing through its territories carrying water from catchment areas beyond its own boundaries. It depends upon the annual precipitation within its own boundaries and in the Syria-Lebanon catchment area from which the Jordan is partly fed at its source.

7. The major sources of water available for irrigation are springs and rivers, wadi storm water and underground water from wells and boreholes. The Government of Palestine has recently estimated the total volume of water available annually for new exploitation as follows:—⁽³³⁾

	Dry Year	Average Year	Wet Year
	(Millions of cubic metres)		
Springs and rivers ...	800	1,000	1,500
Wadi storm water ...	100	500	1,200
Underground water ...	200	200	200
Total ...	1,100	1,700	2,900

8. Somewhat higher estimates of available water supplies are given by the Jewish Agency and are implied in the overall irrigation scheme of Hays and Savage which in its complete form provides for an annual supply of nearly 2,000 million cubic metres of water actually reaching the fields. Perhaps the most that can be said at present is that Government estimates are based on the most extensive information available, but may nevertheless be subject to revision in the light of further knowledge. There is, however, no disagreement on the fact that Palestine is not very bountifully supplied with water and that its continued development depends on making the most of what water there is.

OTHER RESOURCES

9. In the physical resources which are typically the basis of modern industrial development Palestine is exceedingly poor, having neither coal nor iron nor any other important mineral deposit. Indeed the only considerable non-agricultural resources are the potassium and sodium salts which are extracted from the Dead Sea.

⁽³³⁾ Memorandum on the Water Resources of Palestine—The Government of Palestine, p. 13.

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There are ample supplies of certain building materials in the form of stone and lime, from which cement is manufactured. Oil, on which some people have set hopes, has not been discovered in payable quantities, though tests are still proceeding in the south. For its present supplies of fuel, Palestine is entirely dependent on the oil which comes to the Haifa refineries via the pipe-line from the oil fields of Iraq.

POPULATION

(a) *Population Statistics*

10. There have been two censuses of population in Palestine, in 1922 and in 1931. In 1936, in 1941 and again in 1946 the Government had made all preparations for a census, but political disturbances caused them to be postponed. There are, however, records of births and deaths for the whole of the population, except the small Bedouin group living as nomads in the semi-desert areas of the south. On the basis of these figures estimates of the total population and of its quantitative distribution according to various classifications are made by the Government Statistician at regular intervals. The population statistics of Palestine, compiled in this manner, are considered to be fairly accurate, but there is a margin of error which tends to increase as the census year on which the calculations are based become more remote. Only a new census can test the accuracy of these estimates.

11. The most striking demographic features of Palestine are, first, the rate at which the total population has grown in the last 25 years; second, the manner in which the proportions of the two major national groups, the Arabs and Jews, have changed, and third, the relative importance of immigration and rate of natural increase in their effect on the total population and on the proportion of Jews to Arabs. These are the essential and dynamic elements of what is in detail a very complicated matter. In addition, it is important to consider briefly the present regional distribution of the population.

12. The total settled population of Palestine at the end of 1946 was estimated to be nearly 1,846,000.⁽³⁴⁾ This is nearly three times the total population as revealed by the census of 1922, or more exactly an increase of 184 per cent. In greater detail the population growth since 1922 has been as follows:—

<i>Population of Palestine by Religions⁽³⁵⁾</i>						
		<i>Moslems</i>	<i>Jews</i>	<i>Christians</i>	<i>Others</i>	<i>Total</i>
1922	...	486,177	83,790	71,464	7,617	649,048
1931	...	693,147	174,606	88,907	10,101	966,761
1941	...	906,551	474,102	125,413	12,881	1,518,947
1946	...	1,076,783	608,225	145,063	15,488	1,845,559

13. Since the main lines of conflict in Palestine are between Jews and Arabs as conscious national groups, it is of some importance to distinguish the population according to this classification. On this basis the population at the end of 1946 was estimated as follows:—

<i>Arabs</i>	<i>Jews</i>	<i>Other</i>	<i>Total</i>
1,203,000	608,000	35,000	1,846,000

⁽³⁴⁾ The 1931 census revealed that there were 66,000 nomadic Bedouins, while to-day they are estimated to number 90,000. Little is known demographically about the people and no account will be taken of them in the statistical parts of this chapter, which is confined to the settled population.

⁽³⁵⁾ All the statistical material on population is extracted from *A Survey of Palestine*, Vol. III, Section I, and the Supplement to *A Survey of Palestine*.

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14. It will have been noticed that not only has there been a remarkably rapid increase in the total population of Palestine, but that the proportion of Jews in the total has greatly increased from 12.91 per cent. in 1922 to 32.96 per cent. in 1946. Conversely, of course, the Arab proportion has fallen since 1922. The Moslem proportion of the population (almost entirely Arab) has fallen from about 75 per cent. of the total to 60 per cent., and the Christian proportion (very largely Arab) from 11 per cent. to 8 per cent. Thus at the present time about one-third of the total settled population is Jewish.

(b) *Immigration and Natural Increase*

15. These changes in the population have been brought about by two forces, natural increase and immigration. The great increase in the Jewish population is due in the main to immigration. From 1920 to 1946 the total number of recorded Jewish immigrants into Palestine was about 376,000 or an average of over 8,000 per year. The flow has not been regular, however, being fairly high in 1924 to 1926, falling in the next few years (there was a net emigration in 1927) and rising to even higher levels between 1933 and 1936 as a result of the Nazi persecution in Europe. Between the census year of 1931 and the year 1936, the proportion of Jews to the total population rose from 18 per cent. to nearly 30 per cent.

16. The Arab population has increased almost entirely as a result of an excess of births over deaths. Indeed, the natural rate of increase of Moslem Arabs in Palestine is the highest in recorded statistics,⁽³⁶⁾ a phenomenon explained by very high fertility rates coupled with a marked decline in death rates as a result of improved conditions of life and public health. The natural rate of increase of Jews is also relatively high, but is conditioned by a favourable age distribution of the population due to the high rate of immigration.

(c) *Future Trends*

17. These are dynamic elements in the problem of Palestine which have consequences for the future, and any consideration of the Palestine question must take them as fully into account as is possible.

18. Estimates of future population trends for Palestine have been made by Mr. P. J. Loftus, the Government statistician, and published in Volume III of the *Survey of Palestine*. This is the most complete demographic study that has yet been made of Palestine. In qualitative terms the main conclusions may be summarised as follows:—

- (1) The Arab population (particularly the Moslem Arabs) of Palestine will continue to grow rapidly owing to high fertility rates and falling mortality rates. The conditions making for high fertility rates are not likely to change greatly in the immediate future.
- (2) Apart from immigration the Jewish population will increase at a slower rate owing to fertility rates which are already lower than

⁽³⁶⁾ This high natural rate of increase has excited some comment. Previous to 1918 the male population of Palestine was subject to conscription for the Turkish Army, and the discontinuance of this practice is sometimes advanced in explanation of the rapid increase in the Arab population since then. It seems probable that the true rate of natural increase is, however, lower than the observed rate owing to an influx into Palestine of young Arab women. As reproduction rates are related to the age-sex composition of the population according to the census of 1931, the effect is to over-estimate the reproduction rates in the case of the Moslem population. Between 1942 and 1945, owing to the effect of food rationing, there was a tendency to understate deaths and overstate births.

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those of Moslems and are considered likely to fall. Reductions in death rates among the Jewish population are also likely to be less than in the case of Arabs, since Jewish mortality rates are already low.

19. In quantitative terms calculated on the basis of the most probable assumptions suggested by a close study of the present demographic situation, Mr. Loftus calculates that by 1960, supposing there were no immigration, the population of Palestine would be as follows:—

Estimated Population of Palestine in 1960

	<i>Moslems</i>	<i>Jews</i>	<i>Christians</i>	<i>Others</i>	<i>Total</i>
1946 (actual) ...	1,076,783	608,225	145,063	15,481	1,845,559
1960 (estimated)	1,533,000	664,000	176,000	21,000	2,394,000

Thus, on this estimate, the population of Palestine would increase 30 per cent. in fourteen years, assuming no immigration to take place, and the Jewish population would fall from about 31 per cent. of the total to 28 per cent.

(d) Distribution of Population

20. This potential increase of population in Palestine, independently of immigration, should be considered in relation to the area and resources of the country. Arithmetical density of population (*i.e.*, average number of persons per unit area of land) is by no means a reliable guide to the ability of an area to support a larger population without a fall in the standard of life. However, it is not without significance if considered in relation to other physical resources. At the end of 1944, Palestine had a population density of 174 persons to the square mile (67 per square kilometre) of land area. Excluding the Beersheba area, which is semi-desert, and nearly half the total land area, the density rises to 324 per square mile (125 per square kilometre). This latter figure is a higher density than that of Switzerland and slightly lower than that of Italy. There are, of course, countries with much higher densities of population but these are either agricultural populations with very low standards of living, as in parts of India, or else highly industrialised countries dependent upon their industrial resources, and in this connection it must be recognised that Palestine does not contain within its own borders any of the basic raw materials of modern industry.

21. The regional distribution of the population of Palestine is of great significance for the Palestine problem. The heaviest concentration is along the whole coastal plain from the Gaza area to Haifa. Galilee, the plain of Esdraelon, and the inland area of the Jerusalem sub-district are also fairly thickly populated. The central hill country north of Jerusalem comprising the districts of Ramallah, Nablus, Jenin and Beisan is considerably less thickly peopled, while to the south of the Jerusalem district in Hebron and especially Beersheba, the population becomes extremely sparse. In the vast area of the Beersheba sub-district, however, there are about 90,000 Bedouin nomads.

22. There is no clear territorial separation of Jews and Arabs by large contiguous areas. Jews are more than 40 per cent. of the total population in the districts of Jaffa (which includes Tel-Aviv), Haifa and Jerusalem. In the northern inland areas of Tiberias and Beisan they are between 25 per cent. and 34 per cent. of the total population. In the inland northern districts of Safad and Nazareth and the coastal districts of Tulkarm and

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Ramle, Jews form between 10 per cent. and 25 per cent. of the total population, while in the central districts and the districts south of Jerusalem they are not more than 5 per cent. of the total.

23. Thus, though the main concentration of Jewish population is on the coastal plain, the Jerusalem area and the northern uplands, there is, even in these areas, a considerable concentration of Arabs, since these are the most populous parts of the country.

B.—RELEVANT ECONOMIC FACTORS

24. The economy of Palestine presents a fascinating study, both because of its rapid development as an area of mass immigration and because of peculiarities in structure due to the lack of homogeneity between the two major elements of the population. In addition, the economic life of Palestine has more recently been subject to the quickening and disturbing influence of an enormously increased demand arising from the war-time and post-war military expenditure.

THE TWO ECONOMIES

25. Although the total population of Palestine is less than two millions, its economic life presents the complex phenomenon of two distinctive economies—one Jewish and one Arab, closely involved with one another and yet in essential features separate. Apart from certain parts of the country which are predominantly Jewish and others which are predominantly Arab in population, this “economic separateness”⁽³⁷⁾ of the two communities does not correspond to any clear territorial divisions. It finds its expression in certain facts which may be briefly summarised as follows:—

- (1) Apart from a small number of experts, no Jewish workers are employed in Arab undertakings, and apart from citrus groves (where some Arabs work as seasonal labourers on Jewish farms), very few Arabs are employed in Jewish enterprises. Indeed, Government service, the Potash Company and the Oil Refinery are almost the only places where Arabs and Jews meet as co-workers in the same organisations.
- (2) There are considerable differences between the rates of wages for Arab and Jewish workers in similar occupations, differences in the size of investment and differences in productivity and labour cost which can only be explained by lack of direct competition between the two groups.
- (3) Arab agriculture is based to a considerable extent on cereal production and tends to be of a subsistence kind. Only about 20 per cent. or 25 per cent. of Arab agricultural production (excluding citrus) is marketed; Jewish agriculture, on the other hand, is largely intensive and cash crop farming. About 75 per cent. of Jewish agricultural production is sold on the market. It is marketed mainly through Jewish marketing organisations to Jewish retailers.
- (4) The occupational structure of the Jewish population is similar to that of some homogeneous industrialised communities, while that of the Arabs corresponds more nearly to a subsistence type of agricultural society.

⁽³⁷⁾ The expression is borrowed from the Government of Palestine's *Survey of Palestine*, Vol. III, p. 1272.

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26. It must not, however, be supposed that Jews and Arabs in Palestine are not mutually interdependent in their economic life. Under the Mandate there has been a unified administration, internal freedom of trade, a common transport system, a single currency and some development of public services in the interests of the population as a whole, and it is within this general framework that the differences of economic life between Jews and Arabs in other respects must be viewed. Moreover, the great investment of capital associated with Jewish immigration has, in developing the Jewish economy, profoundly affected Arab life, increasing money incomes and the extent to which Arabs have become concerned with an exchange of economy. Competition and a sense of pride on the part of the Arabs have also had their share in raising Arab standards of life. Nevertheless, the economic relations between the two groups have something of the character of trade between different nations. As consumers their separateness is less marked, but as producers (with the main exception of the citrus industry) they maintain a degree of separateness unyielding so far to the pressure of the economic forces which might have been expected to bring about a greater degree of homogeneity; and when all this is considered it is not the few instances of the submergence of differences between Arab and Jew in common economic interests which are remarkable, but the fact that such instances are so few as to be unusual.

AGRICULTURE

(a) *The Main Features*

27. Palestine is still mainly an agricultural country since about 65 per cent. of the population gain their living directly from agriculture. Nevertheless the country is not self-sufficient in food and is especially deficient in cereal production, about 50 per cent. of its cereals being supplied by imports. According to Government estimates, most of the land capable of being cultivated by present methods is under crops and any considerable development depends on more advanced methods of farming and more particularly on more extensive irrigation, though Jewish authorities claim that Government estimates are too conservative.

28. Despite its small area the country enjoys, owing to its topographical peculiarities, wide variations both of climate and soils which permit the production of a big range of crops. The most important crops are citrus, cereals, olives, grapes, vegetables and tobacco. Citrus is the main export crop and before the trade was interrupted during the war it accounted for 80 per cent. of the total value of exports. Under the stimulus of wartime demand there was a considerable increase in the production of vegetables, and potato production in particular has been successfully developed.

(b) *Jewish and Arab Agriculture*

29. Apart from citrus production, which is approximately equally shared between Jewish and Arab cultivators, there are marked differences between Jewish and Arab agriculture. Arab cultivators produce over 80 per cent. of the total cereal crops and more than 98 per cent. of the olives. Jewish agriculture, however, is mainly devoted to mixed farming and is for the most part cash farming, about 75 per cent. of the produce being sold on the market. The majority of Arab cultivators, on the other hand, are to a greater extent self-sufficient and retain on the average about 75 per cent. of their total production for their own consumption. Naturally these somewhat different aims of Arab and Jewish cultivators find an expression in different methods of farming and in different attitudes to the problems of

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rural life. For, although Arab cultivators are influenced, and increasingly so, by the money incentives of the market, they have the strong urges of all such partly self-sufficient producers to maintain their traditional methods and habits of life.

30. Jewish agriculture, on the other hand, is on the whole progressive, scientific and experimental. It is being increasingly developed in the direction of mixed farming and in very large part serves the needs of urban populations. It is highly organised not only in respect of production through the three hundred or so communal and co-operative settlements, but also in respect of the "Tnuva" and other co-operative organisations through which its products are marketed.

31. The Jews have brought to agriculture in Palestine both capital and skill which together have had a profound effect on the country, transforming some of it from waste and neglected land to fruitful ground, so that it may truly be said that they have made "the desert blossom as the rose." In this enterprise they have been impelled by the force of an ideal which has come to realisation in the communal, co-operative and individual settlements. These have increased from five in 1882 to over 300 to-day with a population of well over 150,000. Although the individual and co-operative settlements together considerably outnumber the communal settlements (the kibbutzim), it is these latter which perhaps most completely express the spirit of sacrifice and co-operation through which this has been achieved.

(c) *Agricultural Methods*

32. Palestine is an area of winter rainfall and summer drought and agriculture in Palestine is dominated by that fact. Summer crops are only possible under natural conditions in regions where the rainfall is sufficient for the ground to retain moisture during the summer months, and this as a rule necessitates ploughing the bare fallow in the winter months. Where land can be irrigated the soil is usually capable of being intensively cultivated all the year round and Jewish agriculturists have given much attention to the problems of irrigation. But where irrigation is not possible for reasons of cost or for lack of water, improvements in output can only be obtained by improvements in farming methods within the general framework of "extensive" farming. There is room for such improvement, particularly in regard to land reform which would consolidate divided holdings and such land as is held in common and distributed every two or four years among the tenants. Both these systems of tenancy are bad for farming practice and in these and other respects the complicated land laws and customs of Palestine require some reform. Nevertheless it must not be considered that Arab agriculture in Palestine is on a very low level. Within the range of these customs and technical knowledge it is adapted to the conditions of climate and soil. Moreover, there has been considerable improvement in latter years, partly as the result of the great development in Jewish agriculture and partly as the result of the increase in prices of agricultural products during and since the war. The production of vegetables by Arab cultivators has greatly increased recently and though the yields of Arab farmers are lower than those of Jewish cultivators, their production costs also are often lower.

(d) *Recent Trends in Jewish and Arab Agriculture*

33. The general nature and relative importance of Arab and Jewish agriculture are summarised in the following table for the year 1944-45:—

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Value of Agricultural Production from Main Groups of Crops in the Season 1944-45, distinguishing between Arab and Jewish Cultivation⁽³⁸⁾

	Jewish £P.	Arab £P.	Totals £P.
Grains	497,048	4,403,409	4,900,457
Vegetables	1,745,870	5,113,553	6,859,423
Fodder	951,178	156,847	1,108,025
Fruits (excluding citrus) ...	1,379,620	3,139,374	4,518,994
Olives	53,235	3,320,320	3,373,555
Melons	83,975	969,630	1,053,605
Totals	4,710,926	17,103,133	21,814,059

34. During and since the war there has been a rapid development of production in certain fields of agriculture. Vegetable production in particular has greatly increased from 129,000 tons in 1939 to 245,000 in 1945. Grain production, on the other hand, has not expanded, fluctuations in output being mainly explained by weather conditions. Thus in 1939 grain production was estimated at 242,000 tons and in 1945 at 209,000. There has also been a steady increase in the output of fruit (excluding citrus) from 131,000 tons in 1939 to 174,000 in 1945.

35. Both Jewish and Arab cultivators have greatly benefited from the rise in agricultural prices since the beginning of the war. The only exception to this is in respect of the citrus producers since export was practically at a standstill. Citrus groves suffered in consequence from lack of attention and the capacity of the industry has declined to some extent. The Government assisted citrus producers by advances of more than 3½ million, and production is now rapidly moving towards the pre-war levels. Exports in the 1945-46 season were equal to more than 5 million cases valued at nearly £3½ million as compared with 15 million cases valued at about £4½ million in 1938-39.

36. Since 1941 the citrus industry has been controlled by a Citrus Control Board consisting of three official members and eight producer members, Jews and Arabs. In 1941 it was decided also to set up a Citrus Marketing Board of two official members and four other members chosen as representatives of the Jewish and Arab producers. This Board, which has had to handle the problem of surplus fruit due to the loss of the export trade, has worked satisfactorily on the basis of equal export quotas to Jewish and Arab producers. The citrus industry is, in fact, the one considerable economic activity where Jews and Arabs are producing for the same market under similar conditions. Most of the producers are relatively small scale producers and their identity of economic interest has, in the circumstances, provided a basis for co-operation.

(e) Irrigation and Land Development

37. Any considerable development of agriculture in Palestine depends on a large scale on irrigation. The only extensive areas of good land which are undeveloped are the Huleh Valley in the extreme north-east and the very much more extensive semi-desert area of the northern part of the Beersheba sub-district. The former is a swamp which could be reclaimed by draining and in respect of which a Jewish concession originally granted by the Turkish Government is in existence. The concession

⁽³⁸⁾ *A Survey of Palestine—Vol. I, p. 327.*

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has been of no value partly because it needs to be extended to a larger area to be made effective, and partly because of the interests of the Palestine Electric Company in the water flow lower down the valley. Altogether an area of 150,000 dunams (one dunam equals 1,000 square metres or about $\frac{1}{4}$ acre) could be reclaimed. As this is the area of the headwaters of the Jordan and borders on Syria and Lebanon, it is of great importance to the whole of Palestine in the event of any large-scale irrigation project based on using the waters of the upper Jordan.

38. The semi-desert Beersheba area in the south has at present a settled population of 7,000 (mostly in Beersheba town) and about 90,000 nomadic Bedouins. It has a good soil, but insufficient rain to support a denser population. It can only be developed by irrigation. There are small Jewish settlements in the south of this area (sometimes loosely described as the Negeb) which are at present experimental and based on water brought by pipeline at great cost from a considerable distance. The further development of this area remains, therefore, problematic, being dependent either on the discovery of non-saline underground water at economical depths or the development of reservoirs to store the winter rainfall over fairly wide areas.⁽³⁹⁾

INDUSTRY

(a) General Development

39. Although Palestine is still in an occupational sense predominantly an agricultural country, industry has now emerged as the largest contributory to the natural income. There have been two major periods of industrial development in Palestine, 1933 to 1939, when the dominant influence was the influx of refugee immigrants from Western Europe and particularly Germany, with capital and technical and managerial skill; and the 1941 to 1945 period when the protection resulting from the closing of outside sources of supply and the great demands of the military authorities in the Middle East both contributed to an enormous stimulus.

40. Some idea of the magnitude of this development is provided by an estimate of Jewish capital invested in industry and of industrial equipment imported into Palestine. Between 1925 to 1929 it is estimated that £P.1 million of Jewish capital was invested in Palestine industry. The amount invested during the period 1930 to 1932 was £P.2,500,000 and the value of imports of industrial equipment over the same period was £P.606,000. During 1938 and 1939 the investment of capital was £P.7 million and the value of industrial equipment imported nearly £P.5 million. From 1940 to 1944 the investment of capital in industry was £P.6 million and the value of imports of industrial equipment was just over £P.1 million.⁽⁴⁰⁾

41. An index of employment in manufacturing industry in all communities shows the following trend.⁽⁴¹⁾

1939	1942	1943	1944	1945
100	200	214	209	221

42. The industrial development is also reflected in the structure of imports in which raw materials play a greater, and wholly manufactured goods a lesser part. In 1939 raw materials and unmanufactured articles

⁽³⁹⁾ The Committee visited the settlement of Revivim in this area and inspected a reservoir constructed to conserve 50,000 cubic metres of rain water.

⁽⁴⁰⁾ *A Survey of Palestine*—Vol. I, p. 511.

⁽⁴¹⁾ *Ibid.* Vol. I, p. 509.

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were 10 per cent. of total imports while wholly manufactured goods were 64 per cent. In 1946 raw materials were 32 per cent. of the total a¹ manufactured goods 41 per cent.

(b) *The Nature of Palestine Industry*

43. Palestine is not very favourably endowed for industrial production apart from its geographical location which is of considerable importance in regard to the whole Middle East. It has no raw materials of any consequence apart from the Dead Sea minerals. Nevertheless, the influx of immigrants with developed tastes for a variety of consumer goods, and the development of electric power by the hydro-electric installation on the Jordan, and by oil driven plants at Haifa and Tel Aviv, provided an important foundation for the industrial development of the last fifteen years.

44. The most important industries are textiles, food production, chemicals and light metal industries producing a variety of products such as doors, window frames, household articles and a number of other products. During the war there was an important development in diamond cutting and polishing as a result of the settlement in Palestine of skilled diamond cutters from Europe. This industry has become important in the export trade of Palestine, and in 1946 the value of cut and polished diamonds exported was £P.5,500,000. The chemical industry, including the potash produced from the Dead Sea, is now relatively important, and is one of the industries which expanded rapidly during the war.

45. Broadly speaking, the industries which have taken root in Palestine are either consumption goods, industries based to a great extent on the local market, industries whose location is not determined by the presence of raw materials but which depend on local skill as in the case of the diamond industry, or in some few cases, as for example the potash industry and some food processing industries, those which depend on local raw materials. It must be remembered that almost all of these industries are small scale enterprises.

46. According to the 1942 census of industry 75 to 80 per cent. of all persons engaged in industry were employed in Jewish-owned enterprises and about 90 per cent. of the total number of workers in industry are Jewish. In the main Jewish workers are employed in Jewish concerns and Arabs in Arab-owned industries, though there are a few exceptions to this. The most developed Arab industries are milling, tobacco manufacturing and some branches of the textile and metal trades. The purely Arab soap industry at Nablus is worthy of mention since its products are bought by Moslems in countries outside Palestine. By and large, however, Arab industry in Palestine is much less developed and less capitalised than Jewish industry.

(c) *The Concessions*

47. A reference should be made to the electricity concession, the Dead Sea concession and the oil concession. Electric power is supplied to Palestine by two companies, the Jerusalem Electric and Public Service Corporation and the Palestine Electric Corporation, which are operating under the terms of concessions—the former covering Jerusalem and the latter other areas in Palestine. The Palestine Electric Corporation is working two concessions, one granted to Mr. Phineas Rutenberg in 1921 for the purpose of utilising the Auja basin for the purpose of supplying electrical energy and for irrigation within the Jaffa district, and the Jordan concession for the utilisation of the waters of the River Jordan and its basin, including the Yarmuk River, for the purpose of supplying and distributing electrical energy in all Palestine and Transjordan.

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48. The Palestine Potash Company was granted a concession in 1930 for a period of 75 years, for the extraction of salts and minerals from the Dead Sea. The company is operating plants at the northern and southern extremities of the Dead Sea.

49. Concessions have been granted to the Anglo-Iranian Oil and to the Iraq Petroleum Companies to construct and operate pipe-lines to a terminal point on the Palestine coast at Acre Bay if practicable, with the right to load and unload oil within the oil dock at Haifa harbour. The right to construct refineries at Haifa was also included and the right was transferred by agreement to the Consolidated Refineries, Limited, which established a refinery at Haifa in 1939.

50. The concession companies enjoy certain privileges, such as immunity from the customs duties on products imported for the work of the companies.

FOREIGN TRADE

(a) *The Main Features*

51. The main features of the foreign trade statistics of Palestine which are relevant to an understanding of the present situation and future possibilities are: (1) the change in the volume and composition of foreign trade since 1939, (2) the large adverse balance of payments and dependence of capital imports, and (3) the trading relations of Palestine with other Middle East countries.

52. From the beginning of the Mandate until 1940 there was a great increase in the total foreign trade of Palestine. In 1922 total exports were £P.4 million and total imports £P.5,700,000. In 1939 exports were £P.5,100,000 and imports £P.14,600,000. During the recent war the values of imports and exports rose largely owing to price increases. The volume of trade only increased in 1945 and still more in 1946. Developments since 1939 are summarised in the table below:—

Total Imports and Exports of Palestine⁽⁴²⁾ by value, 1939, 1945 and 1946
(Thousands of Palestine Pounds)

	1939	1945	1946
Imports	14,633	40,691	70,432
Exports	5,468	20,396	24,485
Excess of Imports ...	9,165	20,295	45,945

53. During the war the virtual cessation of citrus exports had a great effect on the structure of exports, but this was a purely temporary phenomenon and it is evident that citrus exports will again become a dominant element in total exports. At the same time with the greater diversity of economic activity in Palestine brought about as a result of the war-time expansion it is to be expected that Palestine will be able to export a greater variety of products, including some manufactured products. Indeed, there is a necessity for Palestine to increase its exports of such products if it is to maintain its high rate of imports.

(b) *Capital Imports*

54. Palestine depends on foreign trade to secure, by import, food (especially wheat, meat and cattle fodder) raw materials, machinery and

⁽⁴²⁾ *A Survey of Palestine*—Vol. I, p. 462, and Supplementary Vol., p. 41.

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equipment which has been, and is, essential to its development. The finance of these imports is only partly covered by exports. There remains, indeed, as a persistent feature, a remarkably large balance of imports over exports which is financed by imports of capital consisting mainly of funds coming from world Jewry, capital brought in by immigrants and funds coming to religious institutions.⁽⁴³⁾ During and since the war there has also been a very large military expenditure by the British Government. Largely as a result of this war expenditure, there are now sterling balances estimated to be about £125,000,000 sterling held mainly by private Palestine citizens.

(c) *Importance of the Middle East*

55. Owing to its position in the Middle East the further economic development of Palestine depends to a considerable degree on increasing its trade with other Middle East countries. During the war there was a great increase in the proportion of trade with Middle Eastern countries to total trade. Although this trend was mainly influenced by transport difficulties and isolation from other markets, it is also a natural line of development for Palestinian trade. Its importance during and since the war is indicated by the fact that in 1939 only 17.7 per cent. of Palestine's imports and 10 per cent. of its exports were exchanges with Middle Eastern countries, while in 1946 the percentages were 39 per cent. and 31 per cent. respectively. These proportions are partly influenced by the fact that exports to the United Kingdom were lower in 1946 than in 1939 on account of the temporary decline of citrus exports.

(d) *The Arab Boycott*

56. In 1946 exports to Arab countries were adversely influenced by the boycott of Jewish products, and though it is not possible to determine how effective the boycott is there can be no doubt that it could seriously hamper industrial development in Palestine if it were indefinitely maintained.

THE WAR-TIME INFLATION

(a) *The Main Causes*

57. In common with most countries Palestine experienced considerable inflation during and since the war. The inflation in Palestine was greater than in the United States or Great Britain but somewhat less than in some other Middle East countries. It was due on the side of demand to a large expansion of income and on the side of supply to an inability of output to respond to the increase in demand for consumer goods on account of (1) cutting off of imports, (2) diversion of local production to military needs, and (3) the limited capacity of agriculture to increase output in a short period. The extent of the inflation is indicated approximately by the cost-of living index as follows⁽⁴⁴⁾:—

Cost-of-Living Index for Palestine for December of Each Year

Pre-war = 100

1940	1941	1942	1943	1944	1945	1946
131	166	211	230	238	252	275

⁽⁴³⁾ Much of the Jewish capital imported into Palestine is in the nature of a free gift and consequently involves neither interest nor amortisation charges. To the extent that gift capital is part of the capital imports in the structure of the balance of payments it will not require an increase of exports in the future to meet debt charges.

⁽⁴⁴⁾ Government of Palestine, official index.

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58. The main cause of the increase in income was the military expenditure of the British Government, which was as follows⁽⁴⁵⁾:—

<i>Millions of Palestine Pounds</i>						
1940	1941	1942	1943	1944	1945	1946
8.5	20.7	25.4	31.5	25.0	24.3	23.5

59. When the war broke out stocks of commodities in Palestine were fairly high and imports only fell seriously in 1941. By 1943 and 1944 military expenditure and the pressure of demand on the food supply reached a peak. There was a considerable increase in the output of food and an increase in imports from Middle East countries at high prices, but this was not sufficient to prevent further fairly modest increases in prices. Since the war the maintenance of military expenditure at the peak war rates has prevented the level of incomes from falling, and although the supply situation has improved owing to an increase in imports in 1946 and 1947 the increases in supply have not been sufficient to prevent further price rises.

(b) Wages and Prices

60. Wages in Palestine responded fairly quickly to increases in the cost of living as a result of the acute shortage of labour which developed. Increases in wages took the form of increases in basic rates and allowances directly linked with the cost-of-living index. Thus average industrial earnings increased in the case of Arabs by 200 per cent. and in the case of Jews by 258 per cent. between 1939 and 1945. Earnings in some agricultural occupations increased even more than this and in the construction trades the increase in earnings of unskilled workers between 1939 and 1945 was 405 per cent. in the case of Arabs and 329 per cent. in the case of Jews. On the average, therefore, it seems that, despite the price increases, there was not much fall in real wages while for some groups of workers real wages actually increased.

(c) Agricultural Debt

61. One effect of the wartime price increases has been to relieve the cultivators of the burden of debt. An enquiry made before the war indicated that the average Arab cultivator was considerably burdened by debt, which in some instances amounted to as much as the cultivator's total annual cash income. At the same time the increased demand for labour offered an additional source of income and in consequence the income and standard of living of many Arab producers have increased.

(d) Reconversion to Peace-time Conditions

62. In relation to its capacity, in 1939 Palestine industry was greatly expanded in response to war demands. During the war 130,000 people were either in the armed forces, working on military construction, or on production for military orders. Since the war the reabsorption of this labour force has had no significant effect on the labour market. This is mainly accounted for by—

- (a) The high volume of demand which has been maintained by the continuance of military expenditure at a level which is about 20 per cent. of the total national income together with the delayed demand which could not be satisfied during the war.
- (b) A continued shortage of supplies of both industrial and agricultural consumer goods.

⁽⁴⁵⁾ Government of Palestine, official index, Vol. III, Section 15.

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63. Although for these reasons there has been no problem of unemployment and no great difficulty in adapting the war-expanded industrial capacity to non-war demands, there are inherent in the situation some difficulties longer-term adjustment.

64. Costs of food production on Jewish mixed farms in Palestine are relatively high and the pressure to maintain industrial wages is in consequence very strong, and since the rise in industrial wages has not been altogether offset by increases in output per worker, the labour costs of Palestine industry are high. When the world shortages of consumer goods are overcome, Palestine industry will be subject, both at home and in external markets, to the competition of lower-cost production. To the extent that a fall in food prices would permit a fall in wages this situation would be improved with a fall in world wheat prices since Palestine at present imports wheat from other Middle East countries at very high prices.

65. It remains, however, to consider that a considerable fall in military expenditure would bring about a fall in income and in prices unless offset by investment from other sources.

66. Should this occur, a period of economic depression and unemployment would be the natural consequence. Thus the Palestine economy may be expected in the near future to have to adjust itself to the double effect of increasing industrial competition and a fall in income as a result of the reduction of military expenditure.

67. Owing to its associations for three world religions Palestine is likely to attract a great many tourists when peace is restored there and world economic conditions improve. Such tourist traffic is likely to provide a considerable source of income, and this would, of course, offset in some degree the effects which might otherwise follow from a heavy fall in the present military expenditures.

C.—PALESTINE UNDER THE MANDATE

THE MANDATE

68. On 25th April, 1920, the Supreme Council of the Allied Powers agreed to allocate the Mandate for Palestine to Great Britain on the understanding that the Balfour Declaration⁽⁴⁶⁾ would be put into effect. The draft Mandate was confirmed by the Council of the League of Nations on 24th July, 1922, and entered into force formally on 29th September, 1923. Following its occupation by British troops in 1917-18, Palestine had been controlled by the Occupied Enemy Territory Administration of the United Kingdom Government. Anticipating the inauguration of the Mandate, the United Kingdom Government, as from 1st July, 1920, replaced the military with a civilian administration, headed by a High Commissioner ultimately responsible to the Secretary of State for the Colonies in Great Britain.

69. The preamble and articles of the Mandate are reproduced as Annex 20. As a perspective for reviewing the administration of the Mandate in Palestine, the following obligations are of major significance:—

- (1) The placing of the country "under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble. . . ." (Article 2), considered together with the obligation to "facilitate Jewish immigration under suitable conditions" and "encourage,

⁽⁴⁶⁾ Annex 19.

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- in co-operation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes." (Article 6.)
- (2) The safeguarding of the "civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion" (Article 2), taken together with the proviso in the Balfour Declaration reproduced in the preamble, "it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine" and the similar proviso of "ensuring that the rights and position of other sections of the population are not prejudiced. . . ." (Article 6.)
- (3) The placing of the country "under such political, administrative and economic conditions as will secure . . . the development of self-governing institutions . . ." (Article 2) and the encouragement "so far as circumstances permit," of "local autonomy" (Article 3).
- (4) The responsibility for the welfare of Palestine as a community: Thus to "safeguard the interests of the community in connection with the development of the country" with special reference to making provision for public ownership or control of natural resources, public works, services and utilities; for introducing an appropriate land system and promoting its close settlement and intensive cultivation (Article 11), together with the provision in Article 2 safeguarding the civil and religious rights of all the inhabitants of Palestine, and that of Article 15: "No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language."
- (5) The responsibilities regarding the Holy Places⁽⁴⁷⁾ (Articles 13, 14).

70. Under Article 25 of the Mandate the Mandatory Power, with the consent of the Council of the League of Nations, was empowered to withhold, in the territories lying between the Jordan and the eastern boundary of Palestine, application of those provisions of the Mandate (other than those in Articles 15, 16 and 18) considered to be inapplicable. In September 1922 the Council of the League approved a British Government memorandum which defined the boundaries of Transjordan and excluded it *inter alia* from the provisions of the Palestine Mandate regarding the Jewish National Home.

THE MANDATE IN PRACTICE

71. The constitutional basis of the Government of Palestine established by the Mandatory Power is set out in the Palestine Orders in Council 1922-40. The original Palestine Order in Council of 10th August, 1922,⁽⁴⁸⁾ was amended in 1923 to provide⁽⁴⁹⁾ that the High Commissioner, without prejudice to powers inherent in or reserved by the Order to the King (Article 89 of the 1922 Order) and subject to instructions given him by His Majesty's Government, "shall have full power and authority . . . to promulgate such Ordinances as may be necessary for the peace, order and good government of Palestine. . . ." It is specifically provided, however, that no ordinance promulgated should restrict "complete freedom of conscience and the free exercise of all forms of worship, save in so far as

⁽⁴⁷⁾ The question of the Holy Places is dealt with in Chapter III.

⁽⁴⁸⁾ For text see R. H. Drayton (ed.): *The Laws of Palestine*, Vol. III, p. 2569 ff.

⁽⁴⁹⁾ Palestine (Amendment) Order in Council, 1923, Article 3. Subsequent references are also to this Article.

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is required for the maintenance of public order and morals" or which "shall tend to discriminate in any way (between the inhabitants of Palestine on the ground of race, religion or language." Of particular relevance to the Administration's discharge of the Mandate is the further provision that "No Ordinance shall be promulgated which shall be in any way repugnant to or inconsistent with the provisions of the Mandate and no Ordinance which concerns matters dealt with specifically by the provisions of the Mandate shall be promulgated until a draft thereof has been communicated to a Secretary of State and approved by him with or without amendment."

72. In accordance with the Orders in Council referred to above, the administration of Palestine is carried on by a High Commissioner responsible to the Secretary of State for the Colonies in the United Kingdom Government. He is assisted by an Executive Council consisting of senior officers appointed from time to time and including *ex officio* the Chief Secretary (the principal executive officer of the Government), the Attorney-General and the Financial Secretary. In 1923 powers of legislation were conferred on the High Commissioner and provision was made for an Advisory Council which the High Commissioner is bound to consult before Ordinances are promulgated. The Advisory Council is composed of executive Council members, heads of major Government departments and District Commissioners. Centrally, the Government is organised into various departments responsible for the discharge of prescribed duties. For general administrative purposes Palestine is divided into six administrative districts⁽⁵⁰⁾, each under the control of a District Commissioner acting as representative of the Government in his district and responsible to the Chief Secretary. He is assisted by a deputy District Commissioner and one or more assistant District Commissioners. In 1945 the total number of Government employees was approximately 45,000, of which some 68 per cent. were Arab, 21 per cent. Jewish and 10 per cent. British (reduced to some 4 per cent. if police other than officers are omitted). Government posts of any importance including those of the level of assistant District Commissioners⁽⁵¹⁾ are held by British officials, though it was submitted in evidence to the Committee that since 1939, in accordance with the White Paper, attempts were being made to bring Palestinians into more responsible posts.⁽⁵²⁾

73. In August 1937 the Permanent Mandates Commission of the League of Nations pronounced in the course of its preliminary opinion to the Council on the Palestine Royal Commission (Peel) Report issued in June 1937:—

"The present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the two-fold authority conferred upon it by its impartiality and unanimity and by the Government of the Mandatory Power itself."⁽⁵³⁾

74. In its own statement of policy⁽⁵⁴⁾ issued simultaneously with the Report of the Royal Commission, the Mandatory Power had found itself "driven to the conclusion that there is an irreconcilable conflict between

⁽⁵⁰⁾ Jerusalem, Lydda (Headquarters, Jaffa), Haifa, Gaza, Samaria (Headquarters, Nablus), and Galilee (Headquarters, Nazareth).

⁽⁵¹⁾ Of the thirty-nine present Assistant District Commissioners, one is an Arab and one is a Jew. (See Document A/AC.13/SR.6/Rev. 1, p. 9: Hearing of the representatives of the Palestine Government.)

⁽⁵²⁾ *Ibid.*, p. 9.

⁽⁵³⁾ Permanent Mandates Commission: *Minutes of the 32nd (Extraordinary) Session*, p. 229.

⁽⁵⁴⁾ Cmd. 5513.

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the aspirations of the Arabs and those of the Jews in Palestine" and "that these aspirations cannot be satisfied under the terms of the present Mandate" It is in the light of this background of deepening conflict intensified by the events of the succeeding ten years, that the Committee feels it proper to view the working of the Mandate in Palestine.

THE JEWISH NATIONAL HOME AND ARAB RIGHTS

75. Few phrases in history have provoked such lasting contention as "Jewish National Home." Twenty years after the issuing of the Balfour Declaration, the Royal Commission devoted a chapter⁽⁵⁵⁾ of its Report to a careful appraisal of the relevant texts and historical antecedents in order to clarify the meaning of the phrase.

76. Regarding the political implications of the term "National Home," the finding of the Commission is unequivocal:—

"We have been permitted to examine the records which bear upon the question and it is clear to us that the words 'the establishment in Palestine of the National Home' were the outcome of a compromise between those Ministers who contemplated the ultimate establishment of a Jewish State and those who did not. It is obvious in any case that His Majesty's Government could not commit itself to the establishment of the Jewish State. It could only undertake to facilitate the growth of a Home. It would depend mainly on the zeal and enterprise of the Jews whether the Home would grow big enough to become a State."⁽⁵⁶⁾

77. As far as the Mandatory Power is concerned, the statement⁽⁵⁷⁾ of British policy in Palestine issued in June 1922 by Mr. Winston Churchill, then Secretary of State for the Colonies, has remained the authoritative interpretation.⁽⁵⁸⁾ The following excerpts express the substance of the Statement:—

"Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become 'as Jewish as England is English.' His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine*. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September 1921, a resolution was passed expressing as the official statement of Zionist aims 'the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development.' When it is asked what is meant by the development of the Jewish

⁽⁵⁵⁾ Palestine Royal Commission: *Report*, Chapter II.

⁽⁵⁶⁾ *Ibid.*, Chapter II, para. 20.

⁽⁵⁷⁾ Cmd. 1700.

⁽⁵⁸⁾ *E.g.*, White Paper of 1939: "His Majesty's Government adhere to this interpretation of the Declaration of 1917, and regard it as an authoritative and comprehensive description of the character of the Jewish National Home in Palestine." (Cmd. 6019, para. 6.)

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National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection."

78. Commenting on the above passage and its context the Royal Commission concluded as follows:—

"This definition of the National Home has sometimes been taken to preclude the establishment of a Jewish State. But, though the phraseology was clearly intended to conciliate, as far as might be, Arab antagonism to the National Home, there is nothing in it to prohibit the ultimate establishment of a Jewish State, and Mr. Churchill himself has told us in evidence that no such prohibition was intended."⁽⁵⁹⁾

79. While there have been grounds for controversy regarding the precise implication of the term "National Home," a perhaps more stubborn difficulty has emerged from the undertakings of the Mandate towards the Jewish and Arab inhabitants of Palestine respectively: the so-called "dual obligation." The general terms in which the Mandate is phrased have invited attempts to discover in them some primacy of purpose. In 1930, the Permanent Mandates Commission of the League of Nations satisfied itself "that the obligations laid down by the Mandate in regard to the two sections of the population are of equal weight."⁽⁶⁰⁾ Approaching the question from a strict examination of the terms of the Mandate, the Royal Commission found that "unquestionably, however, the primary purpose of the Mandate, as expressed in its preamble and its articles, is to promote the establishment of the Jewish National Home."⁽⁶¹⁾ (Italics as in text.) From a different context we have the opinion of Mr. Churchill, while addressing the House of Commons on 23rd May, 1939, that the intention of the 1922 White Paper was "to make it clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine."⁽⁶²⁾

DEVELOPMENT OF THE NATIONAL HOME

80. In 1937 the members of the Palestine Royal Commission summed up their impressions thus: "Twelve years ago the National Home was an experiment, to-day it is a going concern."⁽⁶³⁾ Within the decade since their Report was issued the Jewish population of Palestine has increased from 400,000 to some 625,000.⁽⁶⁴⁾ In place of the 203 agricultural settlements

⁽⁵⁹⁾ *Op. cit.*, Chapter II, para. 39.

⁽⁶⁰⁾ Permanent Mandates Commission, *Minutes of the 17th (Extraordinary) Session*, p. 145.

⁽⁶¹⁾ Palestine Royal Commission: *Report*, Chapter II, para. 42 (4).

⁽⁶²⁾ *Parliamentary Debates*—Vol. 347, No. 108 (23rd May, 1939), cols. 2177–2189.

⁽⁶³⁾ *Op. cit.*, Chapter V, para. 2.

⁽⁶⁴⁾ Estimate for June 1947 given in Government of Palestine: *Memorandum on the Administration of Palestine under the Mandate*, para. 16.

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 containing some 97,000, there are now more than 300 such settlements and small towns with a population of some 140,000. The larger towns and cities of the Yishuv (Jewish community in Palestine) have likewise greatly expanded both in size and amenities. In particular Tel Aviv, with a present population of over 180,000, cannot but fail to impress with its highly developed civic organisation, its cultural activities and other indications of a diversified community life. Remembering the deserted sand-dunes from which Tel Aviv has sprung one can understand well enough the pride which the Jewish community takes in its creation.

81. Membership in the Jewish community is virtually automatic⁽⁶⁵⁾ for all Jews aged 18 or more who have lived in Palestine for at least three months. The whole adult community aged 20 or more participates in voting for the Elected Assembly from which is formed the Vaad Leumi (National Council).⁽⁶⁶⁾ The Vaad Leumi maintains, almost exclusively from its own tax revenue and resources,⁽⁶⁷⁾ in co-operation with other community organisations, the Jewish school system and a network of public health and social services. Within the Elected Assembly may be found representatives of diversified political opinions, including influential groups,⁽⁶⁸⁾ which do not fully share the official programme of the Jewish Agency. Similarly varied political opinion is expressed in the Histadruth (Jewish Federation of Labour), which includes in its membership of some 160,000 (approximately 75 per cent. of the total Jewish working population) not only most industrial workers but farmers and professional workers.

82. In the life of the Jewish community the Jewish Agency occupies a special place in virtue both of its status under Article 4 of the Mandate⁽⁶⁹⁾ and as a representative organisation of world Jewry. Organised in Palestine into some twenty departments corresponding in general to the departments of State in a self-governing country, the Agency concerns itself with every aspect of Jewish economic and social development in Palestine and exercises a decisive influence in major questions of policy and administration, particularly in regard to immigration and agricultural development.

⁽⁶⁵⁾ A minority of orthodox Jews, mainly belonging to Agudat Israel, are by their own wish not included in the Community register.

⁽⁶⁶⁾ Officially recognised and granted the right to receive revenue from the Local Community rate to maintain social services and for other communal purposes under the Jewish Community Regulations (1928).

⁽⁶⁷⁾ In 1945 the total expenditure in Jewish social services was more than six and a half million pounds, of which over 82 per cent. came from the Jewish community, 5 per cent. from the Government, and the remainder from outside sources. See Vaad Leumi: *The Jewish Community and its Social Services*, p. 11.

⁽⁶⁸⁾ They include, e.g., the moderate *Aliya Hadasha* (New Immigration Party), the Left-wing Socialist *Hashomer Hatzair*, and the Communist Party of Palestine. Though not a political party, the *Ihud* (Unity) organisation, led by Dr. J. L. Magnes, President of the Hebrew University, Jerusalem, also differs from Zionist policy in advocating a bi-national Palestine State.

⁽⁶⁹⁾ "An appropriate Jewish Agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country. The Zionist Organisation, so long as its organisation and constitution are, in the opinion of the Mandatory, appropriate, shall be recognised as such agency. It shall take steps, in consultation with His Britannic Majesty's Government, to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home." Following agreement between Zionist and non-Zionist Jews at the Zionist Congress in 1929 an enlarged Jewish Agency was formed which was recognised in 1930 by the Mandatory Power as the "public body" referred to in Article 4.

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83. The Yishuv (Jewish Community in Palestine) is thus a highly organised and closely-knit society which, partly on a basis of communal effort, has created a national life distinctive enough to merit the Royal Commission's title of "a State within a State." Proud of its own achievements in self-government and cultural life, it is sensitive to any apparent lack of appreciation of what it regards as its just and reasonable needs. Its initiative, purposiveness and self-confidence react strongly against a situation in which it finds itself under an "alien bureaucracy."⁽⁷⁰⁾ Its memories of the Arab rising of 1936-39, and more recent anti-Jewish pogroms in Middle Eastern countries, coupled with the immediate background of Hitlerism, keep it constantly vigilant and preoccupied with securing adequate defence for the National Home.

IMMIGRATION AND LAND SETTLEMENT

84. When the Mandate was first approved in 1922 there were only some 84,000 Jews settled in Palestine. While immigration was therefore regarded as essential for the growth of the potential National Home, some form of control was necessitated by the proviso of Article 6 that the "rights and position of other sections of the population" were not to be prejudiced in consequence. The regulative principle adopted by the Mandatory Power in 1922 was explained in the Statement of Policy (Churchill Memorandum)—

" . . . immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment."

This principle, later reaffirmed in Mr. Ramsay MacDonald's letter to Dr. Weizmann of 13th February, 1931, was accepted by the Zionist Organisation⁽⁷¹⁾ at the time, and was also endorsed by the Permanent Mandates Commission of the League of Nations.⁽⁷²⁾

85. By 1937 the total Jewish population had reached nearly 400,000. The first three years of the Nazi terror in Germany (1933-35) alone brought in some 135,000 immigrants. In 1936, however, there occurred incidents which grew rapidly into the widespread Arab campaign of terrorism and armed resistance directed both at the Jewish population and the police and military of the Administration.⁽⁷³⁾ It was in these circumstances that the Royal Commission in 1937 came to the conclusion that, in determining the volume of immigration, "the principle of economic absorptive capacity . . . is at the present time inadequate . . . Political and psychological factors should be taken into account."⁽⁷⁴⁾

86. Since 1939 Jewish immigration into Palestine has been determined in accordance with the White Paper of 1939.⁽⁷⁵⁾ The major decisions regarding immigration deserve notice here:—

- (1) During the five years following 1939, providing economic absorptive capacity permitted, some 75,000 Jews in all were to be admitted: 10,000 in each year together with a further 25,000 Jewish refugees

⁽⁷⁰⁾ Palestine Royal Commission, *op. cit.*, Chapter V, para. 17.

⁽⁷¹⁾ In 1930 replaced by the Jewish Agency as the "public body" provided for in Article 4 of the Mandate.

⁽⁷²⁾ *E.g.*, Permanent Mandates Commission: *Minutes of the 17th Session* (June 1930), p. 142.

⁽⁷³⁾ For an analysis of the 1936 disturbances, see Palestine Royal Commission: *op. cit.*, Chapter IV. Some 4,000 lives were lost and approximately one million pounds damage to property incurred as a result of the Arab revolt of 1936-39.

⁽⁷⁴⁾ *Op. cit.*, Chapter X, para. 77.

⁽⁷⁵⁾ Cmd. 6019.

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as soon as adequate provision for their maintenance could be assured. The intention of the Mandatory Power was to bring the Jewish population up to approximately one-third of the total population of Palestine.

- (2) After this five-year period, "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."⁽⁷⁶⁾
- (3) Illegal immigration would be checked by "further preventive measures," and the numbers of any illegal immigrants entering Palestine would be deducted from the yearly quota for immigration.

87. The substance of the Mandatory Power's attitude may be gleaned from the following excerpt from the White Paper⁽⁷⁷⁾:—

"... His Majesty's Government do not read either the Statement of Policy of 1922 or the letter of 1931 as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity." Nor do they find anything in the Mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and equally, if it has a seriously damaging effect on the political position in the country, that is a factor that should not be ignored."

88. The White Paper of 1939 also substantially modified the policy of the Administration towards Jewish land settlement. Stressing the obligation under Article VI of the Mandate regarding the "rights and position" of non-Jewish sections of the population, the White Paper declared that:—

"The Reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created."

The White Paper's land policy was put into effect through the Land Transfers Regulations⁽⁷⁸⁾ of 1940. Under the Regulations, the country was divided into three zones: in the first two⁽⁷⁹⁾—covering 95 per cent. of the

⁽⁷⁶⁾ On 10th November, 1943, the Secretary of State for the Colonies announced, in the House of Commons that since the war had prevented entry of more than 43,922 legal and illegal immigrants up to 30th September, 1943, His Majesty's Government would permit the balance of some 31,000 persons to enter Palestine if necessary after the closing date of 31st March, 1944, "subject to the criterion of economic absorptive capacity."

⁽⁷⁷⁾ Cmd. 6019, para. 12.

⁽⁷⁸⁾ Cmd. 6180.

⁽⁷⁹⁾ Zone A: About 4.1 million acres (63 per cent. of total area), mainly the hill country and land in the south in the Gaza-Beersheba area. Transfer of land to Jews by Palestinian Arabs was prohibited, but by persons other than Palestinian Arabs transfers might in some cases be permitted.

Zone B: About 2 million acres (32 per cent. of total area), comprising the valley around Lake Huleh and the Sea of Galilee area, the valley of Esdraelon, the Negeb, and certain areas in the coastal plain south of Jaffa and south of Haifa. Land purchase by Jews was restricted in this area, requiring the sanction of the Palestine Government.

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area of Palestine—the transfer of land to Jews by Palestinian Arabs was either prohibited or required the sanction of the Government; in the third (the “Free” zone)—an area of some 332,000 acres (5 per cent. of the total area of Palestine), mainly in the coastal plain but including land round Jerusalem—all land purchase was unrestricted.

89. The White Paper of 1939 was considered at length during the 36th Session of the Permanent Mandates Commission in June 1939. The substance of its findings, as reported to the Council of the League, were⁽⁸⁰⁾ :—

- (a) “that the policy set out was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate”;
- (b) that, regarding the possibility of a new interpretation of the Mandate, with which the White Paper would not be at variance, four members “did not feel able to state that the policy of the White Paper was in conformity with the Mandate. . . .” while the other three members of the Commission considered that “existing circumstances would justify the policy of the White Paper, provided that the Council did not oppose it.”

90. The reaction of Arab leaders, who were much concerned with the constitutional proposals,⁽⁸¹⁾ was officially to reject the Mandatory Power's policy as falling short of Arab demands. Jewish opinion may be summed up in a sentence taken from the letter⁽⁸²⁾ dated 31st May, 1939, of the President of the Jewish Agency to the High Commissioner for Palestine :—

“It (the White Paper) subjects the Jewish National Home to Arab rule; it perpetuates the Jewish minority position; it places Jewish immigration at the mercy of the Arabs; in short, it envisages the termination of the Mandate by jettisoning its primary purpose.”

91. Against the background of an active Jewish war effort and intensified Nazi persecution of the remnants of European Jewry, enforcement of the White Paper provisions stimulated efforts to bring illegal immigrants⁽⁸³⁾ into Palestine. The action of the Administration in circumventing illegal immigration by the seizure of immigrant ships led to constant and serious friction accompanied by mounting Jewish resistance.

92. The consequent rising tension between the Administration and the Jewish community was in no way eased by the announcement of the Biltmore Programme adopted by the Zionist Conference in New York on 11th May, 1942, which, *inter alia*, called for unlimited immigration and for Palestine to be established as a Jewish Commonwealth. From 1945 onwards, the Jewish resistance to the enforcement of the White Paper was accompanied by increasing acts of violence, in 1946–47 culminating in the underground activities of the Irgun Zvai Leumi and the so-called Stern Group. Since the July 1946 attack by terrorists on the headquarters of

⁽⁸⁰⁾ Permanent Mandates Commission: *Minutes of 36th Session*, pp. 274–275. The Report was not considered by the Council of the League owing to the outbreak of the Second World War in September 1939.

⁽⁸¹⁾ See paras. 109–110.

⁽⁸²⁾ Text reproduced in Jewish Agency for Palestine (New York): *Book of Documents submitted to the General Assembly of the United Nations*, May 1947, pp. 140 ff. The letter was submitted as a representation to the Permanent Mandates Commission at its 36th Session.

⁽⁸³⁾ Since April 1939 the estimated number is 30,000 to 35,000 (Government of Palestine: *Supplement to the Survey of Palestine*, p. 23). Immigration since 1st October, 1944, has been permitted at the rate of 1,500 monthly.

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the Administration Secretariat in the King David Hotel, Jerusalem, representatives of the Jewish Agency and the Vaad Leumi have from time to time condemned terrorist activities, and there have been some signs of active opposition to such methods on the part of the Hagana.⁽⁸⁴⁾ By June 1946, however, the breach had widened so far that the Administration found it necessary to arrest and detain on grounds of public security some 2,600 Jews, including four members of the Jewish Agency Executive.

93. Yet the present difficult circumstances should not distort the perspective of solid achievement arising from the joint efforts of the Jewish community and the Administration in laying the foundations of the National Home. In 1937 the Royal Commission concluded that as far as immigration was concerned "the Mandatory has so far fully implemented its obligation to facilitate the establishment of a National Home for the Jewish people in Palestine."⁽⁸⁵⁾ At the same time the Commission laid down its view regarding the future: "This does not mean that the National Home should be crystallised at its present size We cannot accept the view that the Mandatory, having facilitated the establishment of the National Home, would be justified in shutting its doors."⁽⁸⁶⁾

94. Two years later, the White Paper expressed the conviction of the Mandatory that, with a defined addition of a specified number of immigrants, the National Home must be regarded as fully established. That policy, modified by the admission for the time being of 1,500 Jewish immigrants per month, still stands. The recommendation of the Anglo-American Committee of Inquiry for the immediate admission of 100,000 Jews, while in substance accepted in the Mandatory Power's constitutional proposals⁽⁸⁷⁾ of 1946-47, was not put into practice. Similarly no effect has been given to the Anglo-American Committee's recommendation for the rescinding of the Land Transfer Regulations and providing for "freedom in the sale, lease or use of land irrespective of race, community or creed."

RIGHTS AND POSITION OF THE ARABS⁽⁸⁸⁾

95. The Mandate speaks in general terms only of safeguarding or not prejudicing the "civil and religious rights" and the "rights and position" of the Arab community in Palestine. Regarding interpretation, in January 1918 the British Government assured King Hussein in the form of the "Hogarth Message," that the aspirations of the Jews for a return to Palestine would be realised "in so far as is compatible with the freedom of the existing population, both economic and political," though this interpretation was not officially made known to the Permanent Mandates Commission until 1939⁽⁸⁹⁾ nor was it acceptable to the Commission as a whole.

⁽⁸⁴⁾ The defence force of the Jewish community: an illegal organisation under Palestine law. See Government of Palestine: *Supplement to Survey of Palestine*, p. 85. Cf. also the resolution of the Inner Zionist Council meeting in Jerusalem, 29th October, 1946, which denounced "bloodshed by groups of terrorists who defy national discipline and thereby place themselves outside the ranks of the Jewish Community" and called on the Yishuv to isolate and withhold any support of such groups. (Government of Palestine: *Supplementary Memorandum*, p. 21.)

⁽⁸⁵⁾ *Op. cit.*, Chapter X, para. 95.

⁽⁸⁶⁾ *Ibid.*

⁽⁸⁷⁾ See Chapter IV below.

⁽⁸⁸⁾ The terms of the Mandate (Preamble and Article 6) are "non-Jewish communities" and "other sections of the population." The Arab community alone is discussed here; special interests of the Christian community are dealt with in Chapter III below.

⁽⁸⁹⁾ Permanent Mandates Commission: *Minutes of 36th Session*, p. 97, and Cmd. 5964 (1939).

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96. Whatever the intended implication of "civil" rights, Arab leaders in Palestine have consistently denied the legality of the Mandate and demanded cessation of Jewish immigration, independence, and full national self-government.⁽⁹⁰⁾ Actions by the Mandatory Power and the Palestine Administration designed to safeguard Arab rights under the Mandate have thus tended to be judged in accordance with these unchanging criteria.

97. Setting aside these ultimate standards of reference for the moment, one may find in the record of the Palestine Administration evidence of persistent effort to effect gradual improvements in the economic and social condition of the Arab population. In examining such evidence, particularly in regard to land utilisation and agricultural development, due account has to be taken of the pioneer nature of the task which the Administration faced:—

"The country was disease-ridden, under-developed, poverty-stricken; it had the scantiest facilities for education, virtually no industry, and an indifferent agricultural régime. Internally it was given to lawlessness and it was open to the predatory attention of nomad bands from the desert. To make self-advancement possible and to open the way for private enterprise, State action in all these fields had been required."⁽⁹¹⁾

Regard must be had also for the recurring periods of civil disturbance, particularly in 1921, 1929-30, 1936-38 and 1945-47, which have both diverted attention from economic and social development and drained budgetary resources.⁽⁹²⁾ However, though not formally accepted by the most influential Arab leaders, the 1939 White Paper's restrictions on Jewish immigration and land settlement were plainly designed to protect Arab rights as understood by the Mandatory Power.

98. At the same time one can well understand Arab criticism that more has not been done to accelerate the tempo of Arab development in economic and social affairs. It is pointed out that during 1944-46, for example, the Government spent each year only some 3 per cent. of its total expenditure on public health and less than 4 per cent. on education. The Government's responsibilities have been primarily directed towards the Arabs since the Jews maintain, at a very much higher *per capita* cost, their own community health and education services. Yet despite serious and recognised inadequacies in the health services, an improvement in the general health conditions of the Arab community is indicated in the substantial reduction of the child mortality rate during the past twenty years.⁽⁹³⁾ In regard to education, the responsibility which the Administration has assumed of eliminating illiteracy has by no means yet been discharged and the Government system of public education "still covers only some 57 per cent. of Arab boys of school age and 23 per cent. of the girls."⁽⁹⁴⁾ The criticism

⁽⁹⁰⁾ The Arab view of the Mandate is discussed in Chapter II D below.

⁽⁹¹⁾ Government of Palestine: *Memorandum on the Administration of Palestine under the Mandate*, p. 10, para. 23.

⁽⁹²⁾ From 1920 to 1946, apart from maintenance of the British armed forces in Palestine, which is a charge on the United Kingdom Government, total Administration expenditure on the maintenance of law and order in Palestine has been approximately 36 per cent. of all Government expenditure (other than that resulting from Palestine's participation in the Second World War). See Government of Palestine: *Survey of Palestine*, Vol. II, p. 608.

⁽⁹³⁾ 39 per cent. decrease between 1927 and 1944 (taking figures of deaths per 1,000 survivors during the first five years of life). See Government of Palestine: *Survey of Palestine*, Vol. II, p. 708-9.

⁽⁹⁴⁾ Government of Palestine: *Memorandum on the Administration of Palestine under the Mandate*, p. 11, para. 24.

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which the Royal Commission in 1936-37 expressed⁽⁹⁵⁾ at the lack of both primary and secondary, not to mention higher, education facilities for the Arabs would still seem to apply and there can be no question as to the dissatisfaction in the Arab community with the slowness of the progress that has been realised.

99. In view of the complexity of the issues, any general estimate as to the effects of the Mandatory régime on Arab economic and social welfare is not to be made lightly. In 1937 the Royal Commission commented:—⁽⁹⁶⁾

“Our conclusion, then, is that, broadly speaking, the Arabs have shared to a considerable degree in material benefits which Jewish immigration has brought to Palestine. The obligation of the Mandate in this respect has been observed. The economic position of the Arabs regarded as a whole, has not so far been prejudiced by the establishment of the National Home.”

Ten years later the Government of Palestine has affirmed substantially the same conclusion:—⁽⁹⁷⁾

“Over all, the conditions of the Arab community have more materially improved during the past 27 years, as is shown perhaps most emphatically in their rapid increase through natural cause; their standard of living has been greatly raised; and their ability to provide for themselves in a competitive world has been enhanced.”

100. However, even if it were incontrovertibly established that in economic and social life the Arab community had appreciably benefited from the establishment of the National Home and the Mandatory régime, it is plain, as the Royal Commission of 1936 emphasised, that such considerations weigh little with those who direct Arab political life. The basic premise of Arab political leaders is that self-government in an independent State from which all further Jewish immigration is barred, alone offers any acceptable guarantee of their “rights and position.”

101. The Mandatory Power has attempted, within the limits of its interpretation of the “dual obligation” of the Mandate, to provide some satisfaction of Arab political desires. Apart from steps taken to develop self-governing institutions, which clearly are of primary significance for Arab interests, the Administration has endeavoured to foster representative institutions within the Arab community itself. Thus, in 1921, under an Order of the Administration, the Supreme Moslem Council was created for the control and management of Awqaf⁽⁹⁸⁾ and Sharia⁽⁹⁹⁾ affairs in Palestine. Again in 1923, the Mandatory Power proposed to establish an Arab Agency which was to occupy “a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the Mandate.” The offer was unanimously declined by Arab leaders of the day on the grounds that it “would not satisfy the aspirations of the Arab people.”

102. The Royal Commission of 1936-37 were impressed by the fact that the Arab national movement—

“... is now sustained by a far more efficient and comprehensive political machine than existed in earlier years. The centralisation of control . . . has now been as fully effected as is possible in any Arab

⁽⁹⁵⁾ *Op. cit.*, Chapter 16, paras. 12-17.

⁽⁹⁶⁾ *Op. cit.*, Chapter 5, para. 24.

⁽⁹⁷⁾ Government of Palestine: *Memorandum on the Administration of Palestine under the Mandate*, p. 12, para. 25.

⁽⁹⁸⁾ Plural of Waqf: Moslem benevolent or religious endowment.

⁽⁹⁹⁾ Moslem religious courts.

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country. All the political parties present a 'common front' and their leaders sit together on the Arab Higher Committee. Christian as well as Moslem Arabs are represented on it. There is no opposition party."⁽¹⁾

103. Subsequent events have confirmed this trend. It is true that, in 1937 and again in 1939 on the question of the White Paper, differences emerged in the Arab Higher Committee.⁽²⁾ Yet they were differences mainly of method and tactics rather than as to the major objectives of Arab nationalism. The dissolution of the Arab Higher Committee and deportation of six of its leaders, including Jamal Eff. el Husseini, by the Government of Palestine in 1937 brought little change in the structure of Arab political life. While Haj Amin Eff. el Husseini,⁽³⁾ who had been associated with the Axis during the Second World War, has not been allowed to return to Palestine, the present Arab Higher Committee, re-established in 1945 and reconstituted in 1946, now has as vice-chairman Jamal Eff. el Husseini, it being understood that the post of chairman is held open for the Mufti.⁽⁴⁾

104. There can be little doubt, moreover, that the present pattern of control is expressed throughout the local Arab communities by means of a net-work of committees. Decisions taken at the centre, whether relating to an economic boycott of Jewish goods or to the attitude to be taken towards the present United Nations Committee, are thus for the most part effectively administered throughout the Arab community.

105. Differences of approach and interest, sometimes on such a major question as that of Arab-Jewish relations, can be discerned, the more so from the strong pressure that is brought against them.⁽⁵⁾ In times of crisis, as in 1936-38, such pressure has taken the form of intimidation and assassination. At the present time non-conformity regarding any important question on which the Arab Higher Committee has pronounced a policy is represented as disloyalty to the Arab nation. The Arab community, being essentially agrarian, is loosely-knit and mainly concerned with local interests. In the absence of an elective body to represent divergences of interest, it therefore shows a high degree of centralisation in its political life.

DEVELOPMENT OF SELF-GOVERNING INSTITUTIONS AND LOCAL AUTONOMY

106. In its Statement of Policy of June 1922 the United Kingdom Government declared:—⁽⁶⁾

"It is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine, but they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly."

The Mandatory Power's attempts to introduce a measure of self-government in Palestine can be understood only within the context of divergent Arab-Jewish aspirations. In October 1920 an Advisory Council was established consisting of ten British officials, seven Arabs (four Moslems and

⁽¹⁾ *Op. cit.*, Chapter 5, para. 39. (Moslem religious courts.)

⁽²⁾ Between representatives of the Palestine Arab Party (led by Jamal Eff. el Husseini, kinsman and follower of the Mufti of Jerusalem, Haj Amin Eff. el Husseini) and those of the National Defence Party under the leadership of Ragheb Bey Nashashibi and inclined towards more moderate policies at the time.

⁽³⁾ Appointed Mufti of Jerusalem in 1921 and President of the Supreme Moslem Council in 1922.

⁽⁴⁾ Government of Palestine. *Supplementary Memorandum*, p. 13.

⁽⁵⁾ For evidence submitted to the Committee regarding political opposition to the Husseini Party see *inter alia* Document A/AC.13/PV.32, pp. 31-47.

⁽⁶⁾ Cmd. 1700.

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three Christian) and three Jews. In 1922, the Palestine Administration projected, as a first step towards the introduction of self-government, a Legislative Council which was to consist of the High Commissioner and twenty-two members: ten official and twelve elected (ten Arabs, of whom eight were to be Moslems and two Christians, and two Jews). The proposal was rejected by the Palestine Arab Executive on the grounds that Arab representatives should have a majority of all others and an Arab boycott of the elections held in 1923 created a stalemate.

107. In the first years of the 1930's some progress was made in this sphere of local self-government. By the beginning of 1935 some twenty elective municipal councils were in being and in the same year a municipal council composed of equal numbers of Arabs and Jews was established in Jerusalem.⁽⁷⁾ Whilst Jewish criticism complained of the restrictive limits imposed on their own municipalities, particularly Tel Aviv, by the Local Government Ordinance,⁽⁸⁾ it is clear that the first steps had been taken to "encourage local autonomy" in accordance with Article 3 of the Mandate. At present some 100 local authorities are in being, together with 40 village councils, all of which are Arab. Of the four existing mixed municipal commissions, only those in Haifa and Tiberias include Arab and Jewish members who are not Government officers.

108. A further attempt was made by the Government of Palestine at the end of 1935 to inaugurate a Legislative Council. It was to consist of twenty-eight members⁽⁹⁾ presided over by "some impartial person unconnected with Palestine." The Council was empowered to initiate and recommend legislation, subject to certain far-reaching limitations, in particular the withholding of any questioning of the validity of the Mandate and the reserving to the High Commissioner of powers of direct legislation and effective control of immigration and money bills. Arab opinion on the proposal was divided between moderate elements favouring its acceptance and the Arab leaders who rejected it as falling far short of the traditional demand for full national self-government. Jewish opinion, seeing in it the prospect of domination of the National Home by an overwhelming Arab majority, was in vehement opposition.

109. Not until 1939 when the 1936-38 rising had spent its force was there any fresh attempt at constitutional reform. The White Paper of that year struck a new note. Within ten years the Mandate would terminate and Palestine become an independent State subject to the conclusion of "such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of both countries in the future." No details as to the constitutional form of the proposed State were given but, five years following the restoration of "peace and order," an "appropriate body representative of the people of Palestine and of His Majesty's Government" was to be set up to make recommendations regarding the constitution. During the transition period Palestinians were gradually to be given an increasing part in the Government, the objective being "to place Palestinians in charge of all the Departments of Government, with the assistance of British advisers and subject to the control of the High Commissioner."

⁽⁷⁾ The Council's work became increasingly deadlocked by political dissension. In 1945, after failure to settle the question of the mayoralty, the Administration announced the appointment in place of the Council of a Commission composed solely of officials.

⁽⁸⁾ Entered into force January 1934.

⁽⁹⁾ Five officials, 2 representatives of commerce, 11 Moslems (8 elected and 3 nominated), 7 Jews (3 elected and 4 nominated), and 3 Christians (1 elected and 2 nominated).

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110. Jewish opinion reacted strongly to these proposals claiming that it was "a surrender to Arab terrorism" the effect of which "is to deny to the Jewish people the right to reconstitute their National Home in their ancestral country."⁽¹⁰⁾ Since the proposal did not measure up to the political demands proposed by Arab representatives during the London Conference of early 1939, it was officially rejected by the representatives of Palestine Arab parties acting under the influence of Haj Amin Eff. el Husseini. More moderate Arab opinion represented in the National Defence Party⁽¹¹⁾ was prepared to accept the White Paper.

111. Following the Second World War, establishment of the United Nations in 1945 and dissolution of the League of Nations the following year opened a new phase of the Mandatory régime. The Mandatory Power, in the absence of the League and its Permanent Mandates Commission, had no international authority to which it might submit reports and generally account for the exercise of its responsibilities in accordance with the terms of the Mandate. Having this in mind, at the final session of the League Assembly the United Kingdom representative declared that Palestine would be administered "in accordance with the general principles" of the existing Mandate until "fresh arrangements had been reached."⁽¹²⁾ At the Assembly meeting of 18th April, 1946, a resolution on mandates was passed which declared, *inter alia*, that the Assembly⁽¹³⁾—

"Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

"Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective Mandatory Powers."

112. On 1st May, 1946, the Report of the Anglo-American Committee of Inquiry was published. Its major constitutional proposals were⁽¹⁴⁾:—

- (a) That "Palestine shall be neither a Jewish State nor an Arab State," but that it should "ultimately become a State which guards the rights and interests of Moslems, Jews and Christians alike."
- (b) That until Arab-Jewish hostility disappears "the Government of Palestine be continued as at present under mandate pending the execution of a trusteeship agreement under the United Nations."

A long period of trusteeship was envisaged in view of the Committee's conviction as to the depth of political antagonism between Arab and Jew and it was proposed that the trusteeship burden would be lightened "if the difficulties were appreciated and the Trustee had the support of other members of the United Nations."

⁽¹⁰⁾ Statement by the Jewish Agency on the White Paper of 1939. Text reproduced in the Jewish Agency for Palestine: *Book of Documents*, pp. 137-138.

⁽¹¹⁾ Formed in December 1934 by Ragheb Bey Nashashibi.

⁽¹²⁾ League of Nations Official Journal (Special Supplement No. 194): *Records of the 20th (Conclusion) and 21st Ordinary Sessions of the Assembly*, p. 28.

⁽¹³⁾ *Ibid.*, p. 58.

⁽¹⁴⁾ Anglo-American Committee of Inquiry: *Report to the United States Government and His Majesty's Government of the United Kingdom*, Chapter 1. Recommendations 3 and 4.

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113. Following an examination of the Anglo-American Committee's Report by a group of British and American officials, in July 1946 the so-called Morrison Plan⁽¹⁵⁾ was projected by the Mandatory Power as a basis for discussion with Arab and Jewish representatives and those of the Arab States at a conference⁽¹⁶⁾ held in London later in the year. In its constitutional aspects the plan provided for division of Palestine into four semi-autonomous areas, including an Arab and Jewish province, and a Central Government whose powers were to be exercised initially by the High Commissioner assisted by a nominated Executive Council. The provinces were to have only such powers as were expressly conferred and authority in major fields was reserved to the Central Government.

114. The Jewish Agency rejected the proposal unreservedly. The Arab delegates to the London Conference also unanimously opposed the plan and suggested⁽¹⁷⁾ as an alternative that Palestine should become an independent unitary State with a permanent Arab majority in which the Jewish community would be entitled to seats in a legislative assembly proportionate to the number of Jewish citizens with Palestinian citizenship, provided that the number of Jewish representatives should in no case exceed one-third of the total membership.

115. On 7th February, 1947, the British delegation at the Anglo-Arab Conference in London submitted a new proposal⁽¹⁸⁾ for a five-year British trusteeship over Palestine as a preparation for independence. The proposed trusteeship agreement was to provide for a wide measure of local autonomy in Arab and Jewish areas and the High Commissioner was to seek the formation at the centre of a representative Advisory Council. After four years a Constituent Assembly was to be elected and, providing agreement could be reached between a majority of Arab and Jewish representatives respectively, an independent State would be established immediately.

116. The proposal was unacceptable both to the Arab State delegations and to representatives of the Palestine Arab Higher Committee then present at the London Conference and also to the Jewish Agency. The leaders of the Arab Delegations "re-emphasised that no proposal which involved any form of partition or Jewish immigration would be acceptable as a basis for a solution of the problem."⁽¹⁹⁾ The Jewish Agency's statement⁽²⁰⁾ declared that the proposals were incompatible with the basic purposes of the Mandate and with Jewish rights to immigration, land settlement and ultimate statehood. In this situation, and in accordance with its declaration of 7th February, 1947, that "His Majesty's Government are not prepared to continue indefinitely to govern Palestine themselves merely because Arabs and Jews cannot agree upon the means of sharing its government between them," the Mandatory Power referred the question of "the future Government of Palestine" to the United Nations.

THE PRESENT SITUATION

117. The atmosphere in Palestine to-day is one of profound tension. In many respects the country is living under a semi-military régime. In the streets of Jerusalem and other key areas barbed-wire defences, road

⁽¹⁵⁾ Cmd. 7044.

⁽¹⁶⁾ Neither the Jewish Agency, nor the Palestinian Arabs in the first instance, accepted invitations, and the conference was attended by representatives of the Arab States only, together with the Secretary-General of the Arab League.

⁽¹⁷⁾ See Cmd. 7044, pp. 9-11.

⁽¹⁸⁾ The so-called Bevin Plan. See Cmd. 7044, pp. 11-14.

⁽¹⁹⁾ Document A/AC.13/2, p. 356.

⁽²⁰⁾ *Ibid.*, pp. 347-351.

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 blocks, machine-gun posts and constant armoured-car patrols are routine measures. In areas of doubtful security Administration officials and the military forces live within strictly policed security zones and work within fortified and closely-guarded buildings. Freedom of personal movement is liable to be severely restricted and the curfew and martial law have become a not uncommon experience. The primary purpose of the Palestine Government, in the circumstances of recurring terrorist attacks, is to maintain what it regards as the essential conditions of public security. Increasing resort has been had to special security measures provided for in the Defence Emergency Regulations.⁽²¹⁾ Under these regulations a person may be detained for an unlimited period, or placed under police supervision for one year, by order of an area Military Commander and may be deported or excluded from Palestine on order of the High Commissioner. Where there are "reasons to believe that there are grounds which would justify detention or deportation," any person may be arrested without warrant by any member of His Majesty's Forces or any police officer and detained for not more than seven days pending further decision by the Military Commander. The regulations concerning Military Courts prohibit a form of judicial appeal from or questioning of a sentence or decision of a Military Court.⁽²²⁾ Under the regulations widespread arrests have been made and as of 12th July, 1947, 820 persons⁽²³⁾ were being held in detention on security grounds, including 291 in Kenya under the Kenya Control of Detained Persons Ordinance, 1947. The detainees were all Jews with the exception of four Arabs. In addition to these, 17,873 illegal immigrants were under detention.⁽²⁴⁾

118. The attitude of the Administration to the maintenance of public security in present circumstances was stated to the Committee in the following terms⁽²⁵⁾—

"The right of any community to use force as a means of gaining its political ends is not admitted in the British Commonwealth. Since the beginning of 1945 the Jews have implicitly claimed this right and have supported by an organised campaign of lawlessness, murder and sabotage their contention that, whatever other interests might be concerned, nothing should be allowed to stand in the way of a Jewish State and free Jewish immigration into Palestine. It is true that large numbers of Jews do not to-day attempt to defend the crimes that have been committed in the name of these political aspirations. They recognise the damage caused to their good name by these methods in the court of world opinion. Nevertheless, the Jewish community of Palestine still publicly refuses its help to the Administration in suppressing terrorism, on the ground that the Administration's policy is opposed to Jewish interests. The converse of this attitude is clear,

⁽²¹⁾ Authorised under the Palestine (Defence) Order in Council, 1937, which empowered the High Commissioner to make regulations in the interests of public security during the period of Arab terrorism, 1936-39. See Government of Palestine: *The Defence (Emergency) Regulations, 1945 (as amended until 2nd March, 1947)*.

⁽²²⁾ The sentences of Military Courts are subject to confirmation by the General Officer Commanding, to whom petition for reconsideration of sentence may be made.

⁽²³⁾ 492 had been detained for 11 months (approximate average period), 33 for 12 months, 4 for 6 months, and 291 (at present in Gilgil Camp, Kenya) for 21 months. See Document A/AC.13/NC.77: Communication from the Government of Palestine on Detentions.

⁽²⁴⁾ 15,864 in Cyprus under the Cyprus Detention (Illegal Immigrants) Law, 1946.

⁽²⁵⁾ Government of Palestine: *Supplementary Memorandum*, p. 56, para. 3.

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and its result, however much the Jewish leaders themselves may not wish it, has been to give active encouragement to the dissidents and freer scope to their activities."

119. There can be no doubt that the enforcement of the White Paper of 1939, subject to the permitted entry since December 1945 of 1,500 Jewish immigrants monthly, has created throughout the Jewish community a deep-seated distrust and resentment against the Mandatory Power. This feeling is most sharply expressed in regard to the Administration's attempts to prevent the landing of illegal immigrants. During its stay in Palestine, the Committee heard from certain of its members an eye-witness account of the incidents relating to the bringing to Haifa port under British naval escort of the illegal immigrant ship, *Exodus 1947*.⁽²⁶⁾ In this, as in similar incidents, the Committee has noted the persistence of the attempts to bring Jewish immigrants to Palestine irrespective of determined preventive measures on the part of the Administration, and also the far-reaching support which such attempts receive from the Jewish community in Palestine and abroad. The unremitting struggle to admit further Jews into Palestine, irrespective of the quota permitted by the Administration, is a measure of the rift which has developed between the Jewish Agency and the Jewish community on the one hand and the Administration on the other. In the present state of tension little practicable basis exists for the discharge by the Jewish Agency of its function under the Mandate of "advising and co-operating" with the Administration in matters affecting the interests of the Jewish community.

120. As far as the Arab community is concerned, the Committee has had less opportunity of ascertaining its attitude in detail in view of the boycott on association with the Committee pronounced by the Arab Higher Committee. During the hearings of representatives of the Arab States at Beirut, however, the Arab assessment of the present situation of unrest in Palestine was stated thus:—⁽²⁷⁾

"Zionism, however, does not content itself with mere propaganda in favour of the fulfilment of its expansionist projects at the expense of the Arab countries. Its plan involves recourse to terrorism, both in Palestine and in other countries. It is known that a secret-army has been formed with a view to creating an atmosphere of tension and unrest by making attempts on the lives of representatives of the governing authority and by destroying public buildings. . . . This aggressive attitude, resulting from the Mandatory Power's weakness in dealing with them, will not fail to give rise in turn to the creation of similar organisations by the Arabs. The responsibility for the disturbances which might result therefrom throughout the Middle East will rest solely with the Zionist organisations, as having been the first to use these violent tactics."

It was declared at the same meeting that "against a State established by violence, the Arab States will be obliged to use violence; that is a legitimate right of self-defence."⁽²⁸⁾

121. Arab resistance to Jewish political demands in Palestine has partly taken the form of the economic boycott of Jewish goods decided on by a resolution of the Council of the Arab League in December 1945.⁽²⁹⁾ Representatives of the Arab States stressed in evidence to the Committee that the boycott would prove effective on grounds of the dependence of Jewish

⁽²⁶⁾ See Document A/AC.13/SR.37, p. 1-2.

⁽²⁷⁾ Document A/AC.13/P.V.38, p. 10.

⁽²⁸⁾ *Ibid.*, p. 12.

⁽²⁹⁾ For text see Government of Palestine *Survey of Palestine*, Vol. I, pp. 84-85.

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industry on the market of Arab countries.⁽³⁰⁾ Within Palestine, though it would be difficult to estimate its present effectiveness, the boycott is regarded by the Arab leaders as an important means of furthering their political aims. During the Arab Conference in Haifa in July 1947, Jamal Eff. el Husseini spoke of the necessity of "strengthening the boycott in order to pull down Zionist existence" and warned Arab merchants who did not observe the boycott that they would be regarded as "traitors," since "the nation cannot keep patient over humiliation."⁽³¹⁾

122. The view of the Mandatory Power on Arab-Jewish relations was given by the British Foreign Secretary in the House of Commons on 13th November, 1945, as follows:—

"The whole story of Palestine since the Mandate was created has been one of continued friction between the two races culminating at intervals in serious disturbances. The fact has to be faced that since the introduction of the Mandate it has been impossible to find common grounds between the Arabs and the Jews."

Yet, while recognising that in practice the Mandate has become unworkable, one cannot ignore the belief of those responsible for the Balfour Declaration and the Palestine Mandate that the obligations undertaken towards Arabs and Jews respectively would not seriously conflict. To many observers at the time, conclusion of the Feisal-Weizmann Agreement⁽³²⁾ promised well for the future co-operation of Arab and Jew in Palestine. If Arab protests and uprisings in the 1920's seemed to give warning of serious conflict, it was assumed, and repeatedly proclaimed by the Mandatory Power, that the necessary measures of Arab-Jewish co-operation would be found to bridge the gap between the two communities within the framework of the Mandate.⁽³³⁾

123. In the circumstances of the Mandatory régime that necessary measure of understanding between the two peoples of Palestine has not yet been evident. The immediate and compelling reality is the constant pressure exerted by Arab and Jewish political leaders to maintain and advance their respective national interests. Yet there are those, both Jew and Arab, who believe in the possibility of mutually advantageous understanding and, as circumstances permit, seek its promotion.⁽³⁴⁾ Instances of co-operation and good neighbourly relations in the affairs of everyday life may be observed. In the field of labour joint Jewish-Arab strike actions have occurred. On official bodies, such as the General Agricultural Council and the Citrus Control and Marketing Boards, Arabs and Jews have co-operated in furtherance of a common interest.

124. Against the background of major and conflicting political objectives, however, these forms of co-operation are necessarily limited in scope and effectiveness. Their prospects of success have been and are determined by the complex of political and economic factors, internal and external to Palestine, which the application of a mandatory régime has brought about. Should these conditions be adjusted so as to permit the joint utilisation of the resources of Palestine between the two peoples on a basis of national autonomy, the forces working for amicable relations between Arabs and Jews may yet become a significant factor in the future of Palestine.

⁽³⁰⁾ Document A/AC.13/P.V.39, p. 17.

⁽³¹⁾ *Palestine Press Review*, 8th July, 1947.

⁽³²⁾ January 1919 between Emir Feisal, son of King Hussein, and Dr. Weizmann, President of the Zionist Organisation.

⁽³³⁾ See Palestine Royal Commission: *op. cit.*, Chapter 3, paras. 66-68, for evidence of the persistence of this view.

⁽³⁴⁾ For evidence submitted to the Committee in this respect, see Documents A/AC.13/P.V.30 and A/AC.13/P.V.32, particularly pp. 48-59.

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D.—THE CONFLICTING CLAIMS

125. The basic contentions of the Arab and Jewish claims are summarised separately in this section with a brief appraisal of each claim.

THE JEWISH CASE

126. The Jewish case, as herein considered, is mainly the case advanced by the Jewish Agency which, by the terms of the Mandate, has a special status with regard to Jewish interests in Palestine.

127. The Jewish case seeks the establishment of a Jewish State in Palestine, and Jewish immigration into Palestine both before and after the creation of the Jewish State, subject only to the limitations imposed by the economic absorptive capacity of that State. In the Jewish case the issues of the Jewish State and unrestricted immigration are inextricably interwoven. On the one hand, the Jewish State is needed in order to assure a refuge for the Jewish immigrants who are clamouring to come to Palestine from the displaced persons camps and from other places in Europe, North Africa and the Near East, where their present plight is difficult. On the other hand, a Jewish State would have urgent need of Jewish immigrants in order to affect the present great numerical preponderance of Arabs over Jews in Palestine. The Jewish case frankly recognises the difficulty involved in creating at the present time a Jewish State in all of Palestine in which Jews would, in fact, be only a minority, or in part of Palestine in which, at best, they could immediately have only a slight preponderance. Thus the Jewish case lays great stress on the right of Jewish immigration, for political as well as humanitarian reasons. Special emphasis is therefore placed on the right of Jews to "return" to Palestine.

128. Aside from contentions based on Biblical and historical sources as to this right, the Jewish case rests on the Balfour Declaration of 1917 and on the Mandate for Palestine, which incorporated the Declaration in its Preamble, and recognised the historic connection of the Jewish people with Palestine and the grounds for reconstituting the Jewish National Home there.

129. It is the Jewish contention that the Mandatory in Palestine became a trustee for the specific and primary purpose of securing the establishment of the Jewish National Home by means of Jewish immigration which must be facilitated, and by close settlement of the Jews upon the land, which must be encouraged, subject to certain safeguards.

130. In their view, the Mandate intended that the natural evolution of Jewish immigration, unrestricted save by economic considerations, might ultimately lead to a commonwealth in which the Jews would be a majority.

131. They regard the pledges to the Jews in the Balfour Declaration and the Mandate as international commitments not to the Jews of Palestine alone, who were at the time only a small community, but to the Jewish people as a whole, who are now often described as the "Jewish nation."

132. They contend that there has been no change in conditions since these intentions were expressed, for the existence of an Arab majority was a fact well understood at the time when the legal and political commitments of the Mandate were originally made.

133. The Jews, it is urged, have built in Palestine on the basis of faith in the international pledges made to the Jewish people and they cannot be halted in midstream.

(a) The Jewish immigrants to Palestine, who are said to be merely returning to their homeland, are portrayed as having been

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primarily responsible for developing the economy of the country, for establishing an infant industry, for cultivating theretofore waste lands, for instituting irrigation schemes and for improving the standard of living of Palestine Arabs as well as Jews.

- (b) The immigrant Jews displace no Arabs, but rather develop areas which otherwise would remain undeveloped.

134. They contend that no time limit was suggested for immigration or settlement. The Mandate, it is claimed, was to be terminated only when its primary purpose, the establishment of the Jewish National Home, had been fulfilled. That Home will be regarded as having been established only when it can stand alone, for there can be no security for it unless it is free from Arab domination. Any proposed solution, therefore, should ensure the existence and continued development of the Jewish National Home in accordance with the letter and the spirit of the international pledges made.

- (a) The establishment of the Jewish Home and State will, it is claimed, do no political injustice to the Arabs since the Arabs have never established a government in Palestine.
- (b) In the Jewish Home and State the Arab population, which, as a result of accelerated Jewish immigration, will have become a minority population, will be fully protected in all of its rights on an equal basis with the Jewish citizenry.

APPRAISAL OF THE JEWISH CASE

135. Under the Preamble of the Mandate the Principal Allied Powers agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory the administration of the territory of Palestine. They also agreed that this Mandatory should be responsible for putting into effect the Balfour Declaration. Article 2 of the Mandate made the Mandatory responsible for placing the country under such political, administrative and economic conditions as would assure:—

- (a) the establishment of a Jewish National Home, as laid down in the Preamble; and
- (b) the development of self-governing institutions.

The obligation to assure the establishment of a Jewish National Home was qualified by Article 6, which made the Mandatory responsible for the facilitation of immigration and the encouragement of close settlement on the land.

136. There has been great controversy as to whether the obligations relating to the National Home and self-governing institutions were equal in weight, and also as to whether they were consistent with each other. Opinions have been expressed that between these two obligations, the Mandate recognises no primacy in order of importance and no priority in order of execution and that they were in no sense irreconcilable. According to other opinions, however, the primary purpose of the Mandate, as expressed in its Preamble and in its Articles, was to promote the establishment of a Jewish National Home, to which the obligation of developing self-governing institutions was subordinated.

137. The practical significance of the controversy was that, if the country were to be placed under such political conditions as would secure the development of self-governing institutions, these same conditions would,

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in fact, destroy the Jewish National Home. It would appear that, although difficulties were anticipated, when the Mandate was confirmed it was not clearly contemplated that these two obligations would prove mutually incompatible. In practice, however, they proved to be so. The conflict between Arab and Jewish political aspirations, intensified by the growth of Arab nationalism throughout the Arab-speaking countries and by the growth of anti-Semitism in some European countries, excluded any possibility of adjustment which would allow the establishment of self-governing institutions. Had self-governing institutions been created, the majority of the country, who never willingly accepted Jewish immigration, would in all probability have made its continuance impossible, causing thereby the negation of the Jewish National Home.

138. It is part of the Jewish case that any restriction on immigration other than economic considerations is illegal and in violation of the provisions of the Mandate. Article 6 of the Mandate made the Mandatory responsible for facilitating Jewish immigration under suitable conditions, while insuring that the rights and position of other sections of the population were not prejudiced. No other restriction was provided thereon.

139. By 1922 the Mandatory construed Article 6 to mean that Jewish immigration could not be so great in volume as to exceed whatever might be the economic capacity of the country to absorb new arrivals. This interpretation was accepted by the Executive of the Zionist Organisation and, thus, by construction, a restriction of the general terms of the Article was established.

140. The Jewish contention that the Mandate intended that the natural evolution of Jewish immigration might ultimately lead to a Commonwealth in which Jews would be a majority, raises the question as to the meaning of "National Home."

141. The notion of the National Home, which derived from the formulation of Zionist aspirations in the 1897 Basle programme⁽³⁵⁾ has provoked many discussions concerning its meaning, scope and legal character, especially since it has no legal connotation and there are no precedents in international law for its interpretation. It was used in the Balfour Declaration and in the Mandate, both of which promised the establishment of a "Jewish National Home" without, however, defining its meaning. The conclusion seems to be inescapable that the vagueness in the wording of both instruments was intentional. The fact that the term "National Home" was employed, instead of the word "State" or "Commonwealth," would indicate that the intention was to place a restrictive construction on the National Home scheme from its very inception. This argument, however, may not be conclusive since "National Home," though not precluding the possibility of establishing a Jewish State in the future, had the advantage of not shocking public opinion outside the Jewish world, and even in many Jewish quarters, as the term "Jewish State" would have done.

142. What exactly was in the minds of those who made the Declaration is speculative. The fact remains that, in the light of experience acquired as a consequence of serious disturbances in Palestine, the Mandatory, in a statement on "British Policy in Palestine," issued on 3rd June, 1922, by the Colonial Office, placed a restrictive construction upon the Balfour Declaration.⁽³⁶⁾

⁽³⁵⁾ "Zionism strives to create for the Jewish people a home in Palestine secured by public law."

⁽³⁶⁾ British White Paper, Cmd. 1700, see relevant extracts above, para. 77.

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143. The statement recognised for the first time "the ancient historic connection" of the Jews with Palestine⁽³⁷⁾ and declared that they were Palestine "as of right and not on sufferance." It, however, excluded in its own terms "the disappearance or subordination of the Arabic population, language or customs in Palestine" or "the imposition of Jewish nationality upon the inhabitants of Palestine as a whole," and made it clear that in the eyes of the Mandatory Power the Jewish National Home was to be founded in Palestine and not that Palestine as a whole was to be converted into a Jewish National Home.

144. It should be noted here that this construction, which restricted considerably the scope of the National Home, was made prior to the confirmation of the Mandate by the Council of the League of Nations⁽³⁸⁾ and was formally accepted at the time by the Executive of the Zionist Organisation, in its capacity as the "appropriate Jewish agency" provided for in Article 4 of the Mandate.⁽³⁹⁾

145. Nevertheless, neither the Balfour Declaration nor the Mandate precluded the eventual creation of a Jewish State. The Mandate in its Preamble recognised, with regard to the Jewish people, the "grounds for reconstituting their National Home." By providing, as one of the main obligations of the Mandatory the facilitation of Jewish immigration, it conferred upon the Jews an opportunity, through large-scale immigration, to create eventually a Jewish State with a Jewish majority.

146. Both the Balfour Declaration and the Mandate involved international commitments to the Jewish people as a whole. It was obvious that they were not limited only to the Jewish population of Palestine, since at the time there were only some 80,000 Jews there.

147. This would imply that all Jews in the world who wish to go to Palestine would have the right to do so. This view, however, would seem to be unrealistic in the sense that a country as small and poor as Palestine could never accommodate all the Jews in the world.

148. When the Mandate was approved, all concerned were aware of the existence of an overwhelming Arab majority in Palestine. Moreover, the King-Crane Report, among others, had warned that the Zionist programme could not be carried out except by force of arms. It would seem clear, therefore, that the provisions of the Mandate relating to the Jewish National Home could be based only on the assumption that sooner or later the Arab fears would gradually be overcome and that Arab hostility to the terms of the Mandate would in time weaken and disappear.

149. This seems to have been the basic assumption, but it proved to be a false one, since the history of the last twenty-five years has established the fact that not only the creation of a Jewish State but even the continuation of the building of the Jewish National Home by restricted immigration could be implemented only by the use of some considerable force. It cannot be properly contended that the use of force as a means of establishing the National Home was either intended by the Mandate or implied by its provisions. On the contrary, the provisions of the Mandate

⁽³⁷⁾ Later to be mentioned in recital 3 of the Mandate.

⁽³⁸⁾ The Mandate was confirmed on 24th July, 1922.

⁽³⁹⁾ The relevant resolution runs as follows: "The Executive of the Zionist Organisation, having taken note of the statement relative to 'British Policy in Palestine,' transmitted to them by the Colonial Office, under date 3rd June, 1922, assured His Majesty's Government that the activities of the Zionist Organisation will be conducted in conformity with the policy therein set forth." (Cmd. 1700, 1922, pp. 28-29.)

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should preclude any systematic use of force for the purpose of its application. In its Preamble, the Mandate states that the Principal Allied Powers agreed to entrust Palestine to a Mandatory for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations,⁽⁴⁰⁾ and the guiding principle of that Article was the well-being of the peoples not yet able to stand by themselves.

150. It has been suggested that the well-being of the indigenous population of Palestine might be ensured by the unfettered development of the Jewish National Home. "Well-being," however, in a practical sense, must be something more than a mere objective conception, and the Arabs, thinking subjectively, have demonstrated by their acts their belief that the conversion of Palestine into a Jewish State against their will would be very much opposed to their conception of what is essential to their well-being. To contend, therefore, that there is an international obligation to the effect that Jewish immigration should continue with a view to establishing a Jewish majority in the whole of Palestine would mean ignoring the wishes of the Arab population and their views as to their own well-being. This would involve an apparent violation of what was the governing principle of Article 22 of the Covenant.

151. That the Jews have performed remarkable feats of development in Palestine cannot be denied. The fact remains, however, that there may be a serious question as to the economic soundness of much of this achievement, owing to the reliance on gift capital and the political motivation behind many of the development schemes with little regard to economic considerations.

152. That Jews would displace Arabs from the land were restrictions not imposed would seem inevitable, since, as land pressures develop, the attraction of Jewish capital would be an inducement to many Arabs to dispose of their lands. Some displacement of this nature has already occurred.

153. It would appear that the clear implication of the Jewish contention that the National Home can be safeguarded from Arab domination only when it can stand by itself is that an independent Jewish State in all or part of Palestine is the only means of securing the promise of the Mandate for a Jewish National Home. Even a bi-national State on a parity basis, unless there were extensive international guarantees, would not seem to meet the Jewish contention.

154. The Jewish assurance that no political injustice would be done to the Arabs by the creation of a Jewish State in Palestine, since the Arabs have never established a government there, gains some support from the fact that not since 63 B.C., when Pompey stormed Jerusalem, has Palestine been an independent State. On the other hand, the fact remains that to-day in Palestine there are over 1,200,000 Arabs, two-thirds of the population, who oppose a Jewish State and who are intent on establishing an independent Arab State.

155. Any solution assuring the continued development of the Jewish National Home in Palestine would necessarily involve continued Jewish immigration, the postponement of independence, and also, an administration by a third party, at least until the Jewish people become a majority there. Such a solution would have to be enforced in view of the opposition of the Arab population. Many Jews contend that, if given the opportunity, the Jews alone could defend a Jewish State. Even this, however, envisages the possibility of a violent struggle with the Arabs.

⁽⁴⁰⁾ Annex 21

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THE ARAB CASE

156. The Arab case as here set forth is based mainly on the contention made by the representatives of the Arab Higher Committee before the First Special Session of the General Assembly and by the representatives of the Arab States at that Session, at Beirut and Geneva.

The Arab case seeks the immediate creation of an independent Palestine west of the Jordan as an Arab State. It rests on a number of claims and contentions which are summarised below.

The Arabs emphasise the fact of an actual Arab numerical majority in the present population of Palestine in the ratio of two to one.

157. They postulate the "natural" right of the Arab majority to remain in undisputed possession of the country, since they are and have been for many centuries in possession of the land. This claim of a "natural" right is based on the contention that the Arab connection with Palestine has continued uninterruptedly since early historical times, since the term "Arab" is to be interpreted as connoting not only the invaders from the Arabian Peninsula in the seventh century, but also the indigenous population which intermarried with the invaders and acquired their speech, customs and modes of thought in becoming permanently Arabised.

158. They further stress the natural desire of the Arab community to safeguard their national existence from foreign intruders in order that they may pursue without interference their own political, economic and cultural development.

159. The Arabs also claim "acquired" rights, based on the general promises and pledges officially made to the Arab people in the course of the First World War, including, in particular, the McMahon-Hussein Correspondence of 1915-16 and the Anglo-French Declaration of 1918. The Hogarth Message, the Basset Letter, and the Declaration to the Seven are regarded as further support for the Arab claim to an independent Palestine:—

- (a) In the Arab view, these undertakings, taken collectively, provide a firm recognition of Arab political rights in Palestine which, they contend, Great Britain is under a contractual obligation to accept and uphold—an obligation thus far unfulfilled.
- (b) It is also their contention that these promises and pledges of Arab freedom and independence were among the main factors inspiring the Arabs to revolt against the Ottoman Empire and to ally themselves with Great Britain and the other Allies during the first World War.

160. The Arabs have persistently adhered to the position that the Mandate for Palestine, which incorporated the Balfour Declaration, is illegal, and the Arab States have refused to recognise it as having any validity.

- (a) They allege that the terms of the Palestine Mandate are inconsistent with the letter and spirit of Article 22 of the Covenant of the League of Nations for the following reasons:—
 - (1) Although paragraph 4 of Article 22 stipulated that certain communities had reached a stage of development where their existence as "independent nations" could be provisionally recognised, subject only to a limited period of tutelage under a Mandatory Power in the form of administrative advice and assistance until such time as these communities would be able to stand alone, the

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Palestine Mandate violated this stipulation by deliberately omitting immediate provisional recognition of the independence of the territory and by granting to the Mandatory in Article 1 of the Mandate "full powers of legislation and administration."

- (2) The wishes of the Palestine community had not been "a principal consideration in the selection of the Mandatory," as provided for in Article 22, paragraph 4, of the Covenant.
- (b) The principle and right of national self-determination were violated.
- (c) The Arab States were not Members of the League of Nations when the Palestine Mandate was approved, and are not, therefore, bound by it.

161. Although the terms of the Palestine Mandate are, in the Arab view, illegal and invalid and, therefore, Jewish immigrants have had no legal right to enter the country during the period of the Mandate, the Arab position regarding such Jews is that their presence has to be recognised as a *de facto* situation.

APPRAISAL OF THE ARAB CASE

162. That the Arab population is and will continue to be the numerically preponderant population in Palestine, unless offset by free and substantial Jewish immigration, is undisputed. The Arab birth-rate is considerably higher than the Jewish birth-rate. Only large-scale Jewish immigration, strongly assisted by capital and efforts from outside Palestine, can provide the basis for the attainment of numerical parity between Arabs and Jews in the population.

163. The Arabs of Palestine consider themselves as having a "natural" right to that country, though they have not been in possession of it as a sovereign nation.

164. The Arab population, despite the strenuous efforts of Jews to acquire land in Palestine, at present remains in possession of approximately 85 per cent. of the land. The provisions of the Land Transfer Regulations, 1940, which gave effect to the 1939 White Paper policy, have severely restricted the Jewish efforts to acquire new land.

165. The Arabs consider that all of the territory of Palestine is by right Arab patrimony. Although in an Arab State they would recognise the right of Jews to continue in possession of land legally acquired by them during the Mandate, they would regard as a violation of their "natural" right any effort, such as partition, to reduce the territory of Palestine.

166. The desire of the Arab people of Palestine to safeguard their national existence is a very natural desire. However, Palestinian nationalism, as distinct from Arab nationalism, is itself a relatively new phenomenon which appeared only after the division of the "Arab rectangle" by the settlement of the First World War. The National Home policy and the vigorous policy of immigration pursued by the Jewish leadership has sharpened the Arab fear of danger from the intruding Jewish population.

167. With regard to the promises and pledges made to the Arabs as inducement for their support of the Allies in the First World War, it is to be noted that apparently there is no unequivocal agreement as to whether Palestine was included within the territory pledged to independence by the McMahon-Hussein correspondence. In this regard, since the question of interpretation was raised, Great Britain has consistently denied that Palestine was among the territories to which independence was pledged.

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168. These promises were examined in 1939 by a Committee consisting of British and Arab representatives which was set up for that purpose during the Arab-British Conference on Palestine. The Committee considered the McMahon Correspondence and certain subsequent events and documents which one party or the other regarded as likely to shed light on the meaning or intention of the Correspondence. It examined, *inter alia*, the so-called "Sykes-Picot Agreement," the "Balfour Declaration," the "Hogarth Message," the "Declaration to the Seven," "General Allenby's Assurance to the Emir Feisal," and the "Anglo-French Declaration of 7th December, 1918."

169. In its Report⁽⁴¹⁾ the Committee stated that the Arab and the United Kingdom representatives had been "unable to reach agreement upon an interpretation of the Correspondence."⁽⁴²⁾ The United Kingdom representatives, however, informed the Arab representatives that the Arab contentions, as explained to the Committee, regarding the interpretation of the Correspondence, and especially their contentions relating to the meaning of the phrase "portions of Syria lying to the west of the districts of Damascus Hama, Homs and Aleppo,"⁽⁴³⁾ have greater force than has appeared hitherto."⁽⁴⁴⁾ The United Kingdom representatives, moreover, informed the Arab representatives that "they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of 14th July, 1915, and that unless Palestine was excluded from that area later in the Correspondence, it must be regarded as having been included in the area in which Great Britain was to recognise and support the independence of the Arabs. They maintain that on a proper construction of the Correspondence, Palestine was in fact excluded. But they agree that the language in which its exclusion was expressed was not so specific and unmistakable as it was thought to be at the time."⁽⁴⁵⁾

170. With regard to the various statements mentioned in paragraph 168 the above Committee considered that it was beyond its scope to express an opinion upon their proper interpretation and that such opinion could not in any case be properly formed unless consideration had also been given to a number of other statements made during the war. In the opinion of the Committee, it was, however, evident from these statements that "His Majesty's Government were not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which—upon any interpretation of the Correspondence—His Majesty's Government have incurred towards those inhabitants as a result of the Correspondence."⁽⁴⁶⁾

171. With regard to the "Hogarth Message," the Arab representatives explained that they relied strongly on a passage in the message delivered to King Hussein of the Hejaz in 1918, to the effect that Jewish settlement in Palestine would be allowed only in so far as would be consistent with the political and economic freedom of the Arab population.

172. It is noteworthy that the Hogarth Message was delivered to King Hussein in January 1918, that is, two months after the Balfour Declaration was made. There is a clear difference between the Declaration itself, which safeguarded only the civil and religious rights of the existing non-Jewish communities and the Message which promised political freedom to the Arab population of Palestine.

⁽⁴¹⁾ Cmd. 5974.

⁽⁴²⁾ *Ibid.*, para. 17.

⁽⁴³⁾ Sir H. McMahon's letter of 24th October, 1915.

⁽⁴⁴⁾ Cmd. 5974, para. 17.

⁽⁴⁵⁾ *Ibid.*, para. 18.

⁽⁴⁶⁾ *Ibid.*, para. 22.

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173. A memorandum, presented by Emir Feisal to the Paris Peace Conference, however, would indicate that the special position of Palestine was recognised in Arab circles. He said:—

“The Jews are very close to the Arabs in blood and there is no conflict of character between the two races. In principle we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world in difficulties. They would wish for the effective superposition of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country.”

174. It was also Emir Feisal who, representing and acting on behalf of the Arab Kingdom of the Hejaz, signed an agreement with Dr. Weizmann, representing and acting on behalf of the Zionist Organisation. In this agreement, Feisal, subject to the condition that the Arabs obtained independence as demanded in his Memorandum to the British Foreign Office of 4th January, 1919, accepted the Balfour Declaration and the encouragement of Jewish immigration into Palestine. The Feisal-Weizmann agreement did not acquire validity, since the condition attached was not fulfilled at the time.

175. The Peel Commission, in referring to the matter, had noted in its Report that “there was a time when Arab statesmen were willing to consider giving Palestine to the Jews, provided that the rest of Arab Asia was free. That condition was not fulfilled then, but it is on the eve of fulfilment now.”

176. With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the “A” Mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there. Actually, it may well be said that the Jewish National Home and the *sui generis* Mandate for Palestine run counter to that principle.

177. As to the claim that the Palestine Mandate violates Article 22 of the Covenant because the community of Palestine has not been recognised as an independent nation and because the Mandatory was given full powers of legislation and administration, it has been rightly pointed out by the Peel Commission—

- “(a) that the provisional recognition of ‘certain communities formerly belonging to the Turkish Empire’ as independent nations is permissible; the words are ‘can be provisionally recognised’ not ‘will’ or ‘shall’;
- “(b) that the penultimate paragraph of Article 22 prescribes that the degree of authority to be exercised by the mandatory shall be defined, at need by the Council of the League;
- “(c) that the acceptance by the Allied Powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have been treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sèvres and by the Council of the League in sanctioning the mandate.”⁽⁴⁷⁾

178. With regard to the allegation that the wishes of the Palestine community had not been the principal consideration in the selection of the

(47) Cmd. 5479, p. 28.

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Mandatory, it should be noted that the resolutions of the General Syrian Congress of 2nd July, 1919, in considering under certain conditions the possibility of the establishment of a Mandate over the Arab countries, gave Great Britain as a second choice, the United States being the first. This choice was also noted by the King-Crane Commission.

179. There would seem to be no grounds for questioning the validity of the Mandate for the reason advanced by the Arab States. The terms of the Mandate for Palestine formulated by the Supreme Council of the Principal Allied Powers as a part of the settlement of the First World War, were subsequently approved and confirmed by the Council of the League of Nations.

180. The spirit which prevailed at the creation of the Mandate for Palestine was explained by Lord Balfour at the opening of the 18th Session of the Council of the League of Nations as follows:—

“The mandates are not our creation. The mandates are neither made by the League, nor can they, in substance, be altered by the League.

“Remember that a mandate is a self-imposed limitation by the conquerors on the sovereignty which they obtained over conquered territories. It is imposed by the Allied and Associated Powers themselves in the interests of what they conceived to be the general welfare of mankind; and they have asked the League of Nations to assist them in seeing that this policy should be carried into effect. But the League of Nations is not the author of the policy, but its instrument. It is not they who have invented the system of mandates; it is not they who have laid down the general lines on which the three classes of mandates are framed. Their duty, let me repeat, is to see, in the first place, that the terms of the mandates conform to the principles of the Covenant, and in the second place, that these terms shall, in fact, regulate the policy of the mandatory Powers in the mandated territories.

“Now, it is clear from this statement that both those who hope and those who fear that what, I believe, has been called the ‘Balfour Declaration’ is going to suffer substantial modifications are in error. The fears are not justified; the hopes are not justified. . . . The general lines of policy stand and must stand.”⁽⁴⁸⁾

Chapter III.—Religious Interests and Holy Places

1. The General Assembly has requested the Special Committee “to give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity.”

2. The wording of the above request clearly indicates that the General Assembly had in mind not only the religious interests of the communities inhabiting Palestine, but also, the religious interests of three faiths whose millions of believers are spread over the world. For those believers Palestine is “Holy Land,” because it is associated with the origin and history of their respective religions, because it contains sites and shrines which they hold in particular veneration, and because close to and associated with many of those sites and shrines there are religious, educational and eleemosynary establishments which the communities concerned wish to preserve.

3. The termination of the present régime in Palestine will raise once more the difficult problem of the care of the Holy Places, which confronted the first British High Commissioner (Lord Samuel).

⁽⁴⁸⁾ Third Year-Book of the League of Nations, by Charles H. Levermore, 1922, p. 137.

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He has described the problem as follows:—⁽⁴⁹⁾

"All the chief shrines sacred to Christendom are here; Islam sends pilgrims to mosques in Palestine which rank next only to the Kaaba at Mecca and the Tomb at Medina; there are spots round which are entwined the strongest affections of Judaism. The access to these places, their ownership and care, have given rise to controversies through the centuries. Local disputes have often caused disturbances; the support, given by Great Powers, to one party or another, has been a factor in diplomacy, and sometimes a contributory cause of enmity and of war. A new authority was now charged with the government of Palestine. What effect would this have upon the guardianship of the Holy Places?"

"The Mandate, in its thirteenth article, gave a clear direction. By it the Mandatory assumed full responsibility, and undertook to preserve existing rights and the free exercise of worship, subject, of course, to the requirements of public order and decorum. The duty of the Administration, therefore, was to secure the observance of the *status quo*.

"But what if there were disputes as to the nature of the 'existing rights'? Here also the Mandate intended that provision should be made of a means of solution. . . ."

4. The "means of solution" was provided by Article 14 of the Mandate. The Mandatory was to appoint—subject to the approval of the Council of the League of Nations—a special Commission "to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine."

5. No agreement could, however, be reached in the Council of the League of Nations on the constitution of the proposed Special Commission. Objections raised by religious authorities or by Powers represented on the Council of the League frustrated every effort to effect a compromise. That failure provides an additional proof of the difficulty of the problem of religious interests in Palestine. Any new procedure raises suspicions and objections.

6. In the absence of the Special Commission for which Article 14 of the Mandate provided, the responsibility of settling difficulties and disputes connected with existing rights devolved entirely upon the Government. The Palestine (Holy Places) Order in Council 1924 withdrew from the law courts of Palestine any "cause or matter in connection with the Holy Places or religious buildings or sites in Palestine or the rights or claims relating to the different religious communities of Palestine." Jurisdiction was vested in the High Commissioner, whose decisions were "final and binding on all parties."

7. The claims in connection with the Holy Places, religious buildings or sites, or religious communities have been determined by the Mandatory Government on the basis of rights and practice existing during the Ottoman régime. When the Government's decision has not been accepted, a formal protest has been made by the interested community and it has been recorded that no change in the *status quo* was held to have occurred.

8. As regards the Christian Holy Places, century-long controversies between Powers sponsoring the respective interests of Roman Catholics and Greek Orthodoxes were settled on the basis of the *status quo* at the end of the Crimean War—but they were not settled between the religious communities themselves. The report of the international commission appointed by the British Government, with the approval of the Council of

⁽⁴⁹⁾ Report of the High Commissioner on the Administration of Palestine (1920-25), London, 1925 (Colonial No. 15), p. 48.

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the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Wailing Wall⁽⁵⁰⁾ summarises as follows the history of the establishment of the *status quo* and its present application as regards the Christian Holy Places:—

“At the conclusion of peace (in 1855, after the Crimean War) the matters in dispute being still left undecided were submitted to the Signatory Powers, who undertook to guarantee in every respect the *status quo ante bellum*. The question of the protection of the Holy Places was again discussed during the peace negotiations at the conclusion of the Russo-Turkish War (1878). At that time it was laid down in the Peace Treaty itself that no alterations were to be made in the *status quo* without the consent of the Signatory Powers. In 1878, as well as in 1855, indications as to the administration of the *status quo* were based upon the same rules as those that had been proclaimed in the decree (firman) issued by the Sultan of Turkey in 1852, which were in conformity in the main with a preceding firman of 1757. . . .

“As apportioned between the three principal Christian Rites, viz., the Orthodox Greek Rite, the Latin (or Roman Catholic) Rite, and the Armenian Orthodox Rite, the Holy Places and their component parts may be classified into the following categories:—

- (a) Certain parts which are recognised as property common to the three rites in equal shares.
- (b) Other parts as to which one rite claims exclusive *jurisdiction*, while other rites claim joint *proprietorship*.
- (c) Parts as to which the ownership is in dispute between two of the rites.
- (d) Finally, parts the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to cense or to carry out ritual services up to a limited extent in other ways. . . .

“Certain strict principles are adhered to in the administration of the *status quo*. Thus, . . . a right granted to hang up a lamp or a picture or to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question. . . .

“It is easy to understand that the application of ‘rights’ of this nature must lead to great difficulties and often to litigation, especially as each alteration *de facto* in the prevailing practice might serve as a proof that the legal position has been altered. Therefore, the Administration has had a difficult task both in ascertaining and in maintaining the *status quo*. In controverted cases the objects in dispute have been sometimes allowed to fall into decay rather than risk the possibility that any alteration of the balance of power between the contestant Rites should be permitted to ensue. Hence, if the carrying out of repairs becomes urgent, it devolves upon the Administration to have them attended to, supposing it proves not to be possible in the individual case for the parties concerned to come to an amicable agreement.”

⁽⁵⁰⁾ Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connexion with the Western or Wailing Wall at Jerusalem, December 1930, London 1931, p. 34 (The Commission was constituted as follows: M. E. Lofgren (Sweden), M. Charles Barde (Switzerland), M. C. J. van Kempen (Netherlands).)

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9. The *status quo*—as far as it has been possible to ascertain what that consists in—has also been applied by the Palestine Administration as regards Moslem or Jewish sacred places and sites, which have been objects of dispute between Arabs and Jews, particularly the Wailing Wall at Jerusalem and Rachel's Tomb near Bethlehem.

10. It must be noted that in disputes between the Christian communities, as well as between the Moslem and Jewish communities, the Mandatory Administration, like its predecessor, the Ottoman Government, possessed the police forces necessary to impose its decisions and generally to prevent that religious disputes should result in religious strikes.

11. Beside Article 13, relating to the Holy Places, the following Articles of the Mandate also bear upon the question of the religious interests in Palestine of Islam, Judaism and Christianity:—

- (a) Article 9 (2) provides that "respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs⁽⁵¹⁾ shall be exercised in accordance with religious law and the dispositions of the founders."
- (b) Article 15 (1) provides that "the Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all."
- (c) The right of each community to maintain its own schools is contained in paragraph 2 of the said Article 15, as if the drafters of the Mandate had considered that in the Holy Land of three religions the right to maintain schools was also a religious right, like "freedom of conscience" and the "free exercise of all forms of worship." Paragraph 2 of Article 15 reads as follows:—
- "The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired."
- (d) Article 16 provides that "the Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality."
- (e) Article 28 provides that "in the event of the termination of the Mandate" the Council of the League of Nations "shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under the guarantee of the League, the rights secured by Articles 13 and 14" of the Mandate.
- (f) The Mandate not only provides for arrangements with a view to "safeguarding in perpetuity" the rights in connection with the Holy Places and religious buildings or sites and the free exercise of worship. It also stipulates that, at its expiration, the privileges and immunities of foreigners, as formerly enjoyed by capitulation

(51) Moslem benevolent or religious endowments.

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4. THE PARTITION (WOODHEAD) COMMISSION, 1938, rejected the partition plan of the Royal Commission, as they found that the Jewish State contemplated by that plan, after certain modifications of the proposed frontier which security would necessitate, would contain an Arab minority amounting to 49 per cent. of the total population. The four Commissioners could not, however, agree on any other partition scheme. One concluded that no form of partition was practicable. The Chairman and another member recommended a plan according to which the Jewish State would have consisted in a strip of territory in the northern part of the Maritime Plain, approximately 75 kilom. in length, but restricted by an Arab enclave at Jaffa and a corridor connecting with the Mediterranean a Jerusalem enclave under Mandate. The Arab State would consist of the remainder of Palestine—except Galilee and the sub-district of Beersheba, which would be administered by the Mandatory until their Arab and Jewish populations could agree on their final destination. An essential feature of the plan was a customs union between the Arab State, the Jewish State and the territories under Mandate. The fourth member of the Commission recommended the addition to the Jewish State proposed by the Chairman and another member of the valleys of Esdraelon and Jezreel with lakes Huleh and Tiberias.

5. THE ANGLO-AMERICAN COMMITTEE OF INQUIRY, 1946, expressed the view that "now and for some time to come any attempt to establish either an independent Palestinian State or independent Palestinian States would result in civil strife such as might threaten the peace of the world." They accordingly recommended that Palestine should continue to be administered under the Mandate pending the execution of a trusteeship agreement. They also recommended that the constitutional future of Palestine should be based on three principles—

- I that Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine;
- II that Palestine shall be neither a Jewish State nor an Arab State;
- III that the form of government ultimately to be established shall, under international guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish Faiths."

The concrete recommendations of the Committee of Inquiry concerned the immediate future (revocation of the Land Transfers Regulations of 1940 and authorisation of 100,000 immigration certificates to be awarded in so far as possible in 1946).

6. PLAN FOR PROVINCIAL AUTONOMY, 1946.—This plan (generally known as the Morrison plan) aimed at putting into effect the recommendation of the Anglo-American Committee of Inquiry "that Palestine shall be neither a Jewish State nor an Arab State." The greater part of Palestine would be divided into an Arab and a Jewish province, the latter including almost the entire area on which Jews had already settled, together with a considerable area between and around the settlements. Each province would have an elected legislature and an executive. Jerusalem and Bethlehem, together with the Negev, would remain under the direct control of the representative of the British Government acting as trustee for Palestine in virtue of a United Nations trusteeship agreement. The way was left open for future development either towards an independent federal State or towards partition, the Arab and Jewish provinces becoming independent States whose boundaries could not be modified except by mutual consent. It was contemplated that by the adoption of this plan, it would be possible to admit

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immediately 100,000 Jewish immigrants into Palestine, as the Anglo-American Committee had recommended, and to continue immigration into the Jewish Provinces, subject to the final control of the Central Government (the High Commissioner, assisted by his nominated Executive Council). /

7. CANTONISATION PLAN, 1947.—This plan (generally known as the "Bevin plan") provided for a five-year period of British trusteeship, with the object of preparing the country for independence. Areas of local administration would be so delimited as to include a substantial majority either of Jews or Arabs. Each area would enjoy a considerable measure of local autonomy. The High Commissioner would be responsible for protecting minorities. At the centre he would endeavour to form a representative Advisory Council. At the end of four years a Constitutional Assembly would be elected. If agreement was reached between a majority of the Arab representatives and a majority of the Jewish representatives in this Assembly, an independent State would be established. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon future procedure. As regards immigration, the plan provided for the admission of 96,000 Jews during the first two years. Thereafter the rate of entry would be determined by the High Commissioner in consultation with his Advisory Council. In the event of disagreement, the final decision would rest with an arbitration tribunal appointed by the United Nations.

PROPOSALS SUBMITTED TO THE COMMITTEE

8. JEWISH ORGANISATIONS.—Most Jewish organisations in Palestine and abroad which submitted written or oral statements to the Committee agreed with the Jewish Agency for Palestine and the Vaad Leumi in demanding the creation of a Jewish State. Divergencies exist between those who demand that the whole of Palestine should become a Jewish State and the organisations which would accept partition provided the territory allotted to the Jewish State permitted the settlement of a large number of new immigrants. The opposition to the creation of a Jewish State is represented by a minority. In Palestine the Ihud (Union) Association and the Hashomer Hatzair Workers' Party are in favour of a "bi-national" State in which the two communities would have equal status and political parity. The Communist Party proposes a democratic Arab-Jewish State which might be bi-national or federative. In the United States, opposition to Zionism is voiced by the American Council for Judaism, which opposes proposals to establish a Jewish State. Such proposals are, in its view, a threat to the peace and security of Palestine and its surrounding area; they are harmful to the Jews in Palestine and throughout the world; they are also undemocratic.

9. The position of the Jewish Agency for Palestine, which represents the opinion of the majority of organised Jewry in the country, may be summarised as follows:—

The Agency supports the programme defined by the last Congress of the Zionist Organisation (Basle, 1947)—

- “(a) that Palestine be established as a Jewish Commonwealth integrated in the structure of the democratic world;
- “(b) that the gates of Palestine be opened to Jewish immigration;
- “(c) that the Jewish Agency be vested with the control of immigration into Palestine and the necessary authority for the upbuilding of the country.”

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10. As regards partition, the Political Survey, 1946-47, submitted to the Committee by the Jewish Agency states (page 71)—

“ A solution on partition lines, if it is to be at all acceptable, can hardly be regarded as other than a *pis aller*. . . . Any solution of the Palestine problem which may be proposed will be judged by the Jewish people by reference to whether it ensures large-scale immigration and settlement and leads without delay to the establishment of the Jewish State.”

11. THE ARAB STATES.—The representatives of the Arab States at Beirut put forward much the same constitutional proposals for the future government of Palestine as those advanced by the Arab States Delegations to the Palestine Conference at London in September 1946. In summary, those recommendations were—

- (a) that Palestine should be a unitary State, with a democratic constitution and an elected legislative assembly;
- (b) that the constitution should provide, *inter alia*, guarantees for—
 - (i) the sanctity of the Holy Places and, subject to suitable safeguards, freedom of religious practice in accordance with the *status quo*;
 - (ii) full civil rights for all Palestinian citizens, the naturalisation requirements being ten years' continuous residence in the country;
 - (iii) protection of religious and cultural rights of the Jewish community, such safeguards to be altered only with the consent of the majority of the Jewish members in the Legislative Assembly;
- (c) that the constitution should provide also for—
 - (i) adequate representation in the Legislative Assembly of all important communities, provided that the Jews would in no case exceed one-third of the total number of members;
 - (ii) the strict prohibition of Jewish immigration and the continuation of the existing restrictions on land transfer. Any change in these matters would require the consent of a majority of the Arab members of the Legislative Assembly;
 - (iii) the establishment of a Supreme Court which would be empowered to determine whether any legislation was inconsistent with the Constitution.

12. The Arab plan envisaged that a constitution along these lines should be brought into being after a short period of transition under British Mandate. During the transition period the High Commissioner would first establish, by nomination, a provisional government consisting of seven Arab and three Jewish ministers. The High Commissioner would retain a power of veto throughout the transition period. The provisional government would arrange for the election of a constituent assembly of sixty members, to which it would submit a draft constitution. If within six months the constituent assembly failed to agree on the constitution, the provisional government would enact it themselves. When the constitution had been adopted, the first head of the independent Palestine State would be appointed, the Mandate would be terminated, and a treaty of alliance concluded between the United Kingdom and the State of Palestine. The plan should be completed with the least possible delay, notwithstanding the non-co-operation of any section of Palestine citizenry.

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13. All of the proposed solutions have aimed at resolving, in one manner or another, the Palestinian dilemma: the reconciliation of two diametrically opposed claims, each of which is supported by strong arguments, in a small country of limited resources, and in an atmosphere of great and increasing political and racial tension and conflicting nationalisms.

14. Some of the solutions advanced have been more in the nature of palliatives than solutions. Confronted with the virtual certainty that no solution could ever be devised that would fully satisfy both conflicting parties, and probably not even one except at the expense of determined opposition by the other, arrangements have at times been suggested such as the continuation of the Mandate or the establishment of a Trusteeship, which, in the nature of the case, could only be temporary.

15. It is not without significance that it is only since the rise of Nazism to power in Germany, with the resultant mass movement of Jews to Palestine, that the Palestine question has become sufficiently acute to require the devising of solutions outside the framework of the normal evolution of an A Mandate. Thus, all of the significant solutions devised for Palestine are of comparatively recent origin.

16. Every practicable solution to-day, even the most extreme, is confronted with the actual fact that there are now in Palestine more than 1,200,000 Arabs and 600,000 Jews, who, by and large, are from different cultural *milieux*, and whose outlook, languages, religion and aspirations are separate.

17. The most simple solutions, naturally enough, are the extreme solutions, by which is meant those which completely reject or ignore, or virtually so, the claims and demands of one or another party, while recognising in full the claims of the other. The Special Committee has rejected such solutions.

Chapter V.—Recommendations (I)

INTRODUCTORY STATEMENT

1. The Committee held a series of informal discussions during its deliberations in Geneva as a means of appraising comprehensively the numerous aspects of the Palestine problem. In these discussions the members of the Committee debated at length and in great detail the various proposals advanced for its solution.

2. In the early stages of the discussions it became apparent that there was little support for either of the solutions which could take an extreme position, namely, a single independent State of Palestine, under either Arab or Jewish domination. It was clear, therefore, that there was no disposition in the Committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of this Report. It was recognised by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other.

3. At its forty-seventh meeting on 27th August, 1947, the Committee formally rejected both of the extreme solutions. In taking this action the Committee was fully aware that both Arabs and Jews advance strong claims to rights and interests in Palestine; the Arabs by virtue of being for centuries the indigenous and preponderant people there; the Jews by virtue of historical association with the country and international pledges made to them respecting their rights in it. But the Committee also realised that the crux of the Palestine problem is to be found in the fact that two

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sizable groups, an Arab population of over 1,200,000 and a Jewish population of over 600,000, with intense nationalist aspirations, are diffused throughout a country that is arid, limited in area, and poor in all essential resources. It was relatively easy to conclude, therefore, that since both groups steadfastly maintain their claims, it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.

4. Following the rejection of the extreme solutions in its informal discussions, the Committee devoted its attention to the bi-national State and cantonal proposals. It considered both, but the members who may have been prepared to consider these proposals in principle, were not impressed by the workability of either. It was apparent that the bi-national solution, though attractive in some of its aspects, would have little meaning unless provision were made for numerical or political parity between the two population groups, as provided for in the proposal of Dr. Magnes. This, however, would require the inauguration of complicated mechanical devices which are patently artificial and of dubious practicality.

5. The cantonal solution, under the existing conditions of Arab and Jewish diffusion in Palestine, might easily entail an excessive fragmentation of the governmental processes, and in its ultimate result would be quite unworkable.

6. Having thus disposed of the extreme solutions and the bi-national and cantonal schemes, the members of the Committee, by and large, manifested a tendency to move toward either partition qualified by economic unity, or a federal State plan. In due course the Committee established two informal working groups, one on partition under a confederation arrangement and one on the federal State, for the purpose of working out the details of the two plans, which in their final form are presented in Chapters VI and VII of this Report, with the names of the members who supported them.

7. As a result of the work done in these working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as evidenced in the forty-seventh meeting of the Committee. On the basis of this measure of agreement, a drafting sub-committee was appointed to formulate specific texts.

8. In the course of its forty-ninth meeting on 29th August, 1947, the Committee considered the report of the drafting sub-committee, and unanimously approved eleven Recommendations to the General Assembly, the texts of which are set forth in Section A of this Chapter. A twelfth Recommendation, with which the representatives of Guatemala and Uruguay were not in agreement, appears in Section B.

SECTION A.—RECOMMENDATIONS APPROVED UNANIMOUSLY

RECOMMENDATION I: Termination of the Mandate.

IT IS RECOMMENDED THAT—

The Mandate for Palestine shall be terminated at the earliest practicable date.

COMMENT

Among the reasons for this unanimous conclusion are the following:—

(a) All directly interested parties—the Mandatory Power, Arabs and Jews—are in full accord that there is urgent need for a change in the status of Palestine. The Mandatory Power has officially informed the

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Committee "that the Mandate has proved to be unworkable in practice, and that the obligations undertaken to the two communities in Palestine have been shown to be irreconcilable." Both Arabs and Jews urge the termination of the Mandate and the grant of independence to Palestine, although they are in vigorous disagreement as to the form that independence should take.

(b) The outstanding feature of the Palestine situation to-day is found in the clash between Jews and the Mandatory Power on the one hand, and on the other the tension prevailing between Arabs and Jews. This conflict-situation, which finds expression partly in an open breach between the organised Jewish community and the administration and partly in organised terrorism and acts of violence, has steadily grown more intense and takes as its toll an ever-increasing loss of life and destruction of property.

(c) In the nature of the case, the Mandate implied only a temporary tutelage for Palestine. The terms of the Mandate include provisions which have proved contradictory in their practical application.

(d) It may be seriously questioned whether, in any event, the Mandate would now be possible of execution. The essential feature of the Mandates system was that it gave an international status to the mandated territories. This involved a positive element of international responsibility for the mandated territories and an international accountability to the Council of the League of Nations on the part of each Mandatory for the well-being and development of the peoples of those territories. The Permanent Mandates Commission was created for the specific purpose of assisting the Council of the League in this function. But the League of Nations and the Mandates Commission have been dissolved, and there is now no means of discharging fully the international obligation with regard to a mandated territory other than by placing the territory under the international Trusteeship System of the United Nations.

(e) The International Trusteeship System, however, has not automatically taken over the functions of the Mandates System with regard to Mandated territories. Territories can be placed under Trusteeship only by means of individual Trusteeship agreements approved by a two-thirds majority of the General Assembly.

(f) The most the Mandatory could now do, therefore, in the event of the continuation of the Mandate, would be to carry out its administration, in the spirit of the Mandate, without being able to discharge its international obligations in accordance with the intent of the Mandates System. At the time of the termination of the Permanent Mandates Commission in April 1946, the Mandatory Power did, in fact, declare its intention to carry on the administration of Palestine, pending a new arrangement, in accordance with the general principles of the Mandate. The Mandatory Power has itself now referred the matter to the United Nations.

RECOMMENDATION II: Independence.

IT IS RECOMMENDED THAT—

Independence shall be granted in Palestine at the earliest practicable date.

COMMENT

(a) Although sharply divided by political issues, the peoples of Palestine are sufficiently advanced to govern themselves independently.

(b) The Arab and Jewish peoples, after more than a quarter of a century of tutelage under the Mandate, both seek a means of effective expression for their national aspirations.

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(c) It is highly unlikely that any arrangement which would fail to envisage independence at a reasonably early date would find the slightest welcome among either Arabs or Jews.

RECOMMENDATION III: Transitional Period.

IT IS RECOMMENDED THAT—

There shall be a transitional period preceding the grant of independence in Palestine which shall be as short as possible, consistent with the achievement of the preparations and conditions essential to independence.

COMMENT

(a) A transitional period preceding independence is clearly imperative. It is scarcely conceivable, in view of the complicated nature of the Palestine problem, that independence could be responsibly granted without a prior period of preparation.

(b) The importance of the transitional period is that it would be the period in which the governmental organisation would have to be established, and in which the guarantees for such vital matters as the protection of minorities, and the safeguarding of the Holy Places and religious interests could be ensured.

(c) A transitional period, however, would in all likelihood only serve to aggravate the present difficult situation in Palestine unless it were related to a specific and definitive solution which would go into effect immediately upon the termination of that period, and were to be of a positively stated duration, which, in any case, should not exceed a very few years.

RECOMMENDATION IV: United Nations Responsibility during Transitional Period

IT IS RECOMMENDED THAT—

During the transitional period the authority entrusted with the task of administering Palestine and preparing it for independence shall be responsible to the United Nations.

COMMENT:

(a) The responsibility for administering Palestine during the transitional period and preparing it for independence will be a heavy one. Whatever the solution, enforcement measures on an extensive scale may be necessary for some time. The Committee is keenly aware of the central importance of this aspect of any solution, but has not felt competent to come to any conclusive opinion or to formulate any precise recommendations on this matter.

(b) It is obvious that a solution which might be considered intrinsically as the best possible and most satisfactory from every technical point of view would be of no avail if it should appear that there would be no means of putting it into effect. Taking into account the fact that devising a solution which will be fully acceptable to both Jews and Arabs seems to be utterly impossible, the prospect of imposing a solution on them would be a basic condition of any recommended proposal.

(c) Certain obstacles which may well confront the authority entrusted with the administration during the transitional period make it desirable that a close link be established with the United Nations.

(d) The relative success of the authority entrusted with the administration of Palestine during the transitional period in creating the proper atmosphere and in carrying out the necessary preparations for the assumption of independence will influence greatly the effectiveness of the final

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solution to be applied. It will be of the utmost importance to the discharge of its heavy responsibilities that, while being accountable to the United Nations for its actions in this regard, the authority concerned should be able to count upon the support of the United Nations in carrying out the directives of that body.

RECOMMENDATION V: Holy Places and Religious Interests

IT IS RECOMMENDED THAT—

In whatever solution may be adopted for Palestine,

- (A) The sacred character of the Holy Places shall be preserved and access to the Holy Places for purposes of worship and pilgrimage shall be ensured in accordance with existing rights, in recognition of the proper interest of millions of Christians, Jews and Moslems abroad as well as the residents of Palestine in the case of sites and buildings associated with the origin and history of their faiths.
- (B) Existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence.
- (C) An adequate system shall be devised to settle impartially disputes involving religious rights as an essential factor in maintaining religious peace, taking into account the fact that during the Mandate such disputes have been settled by the Government itself, which acted as an arbiter and enjoyed the necessary authority and power to enforce its decisions.
- (D) Specific stipulations concerning Holy Places, religious buildings or sites and the rights of religious communities shall be inserted in the constitution or constitutions of any independent Palestinian State or States which may be created.

COMMENT:

(a) Palestine, as the Holy Land, occupies a unique position in the world. It is sacred to Christian, Jew and Moslem alike. The spiritual interests of hundreds of millions of adherents of the three great monotheistic religions are intimately associated with its scenes and historical events. Any solution of the Palestine question should take into consideration these religious interests.

(b) The safeguarding of the Holy Places, buildings and sites located in Palestine should be a condition to the grant of independence.

RECOMMENDATION VI: Jewish Displaced Persons

IT IS RECOMMENDED THAT—

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 are in assembly centres, will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem.

COMMENT:

(a) The distressed Jews of Europe, together with the displaced persons generally, are a legacy of the Second World War. They are a recognised international responsibility. Owing, however, to the insistent demands that the distressed Jews be admitted freely and immediately into Palestine and to the intense urge which exists among these people themselves to the same end, they constitute a vital and difficult factor in the solution.

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(b) It cannot be doubted that any action which would ease the plight of the distressed Jews in Europe would thereby lessen the pressure of the Palestinian immigration problem and consequently create a better climate in which to carry out a final solution of the question of Palestine. This would be an important factor in allaying the fears of Arabs in the Near East that Palestine and ultimately the existing Arab countries are to be marked as the place of settlement for the Jews of the world.

(c) The Committee recognises that its terms of reference would not entitle it to devote its attention to the problem of the displaced persons as a whole. It realises also that international action of a general nature is already under way with regard to displaced persons. In view of the special circumstances of the Palestine question, however, it has felt justified in proposing a measure which is designed to ameliorate promptly the condition of the Jewish segments of the displaced persons as a vital prerequisite to the settlement of the difficult conditions in Palestine.

RECOMMENDATION VII: Democratic Principles and Protection of Minorities

IT IS RECOMMENDED THAT—

In view of the fact that independence is to be granted in Palestine on the recommendation and under the auspices of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new State or States shall be basically democratic, *i.e.*, representative, in character, and that this shall be a prior condition to the grant of independence. In this regard, the constitution or other fundamental law of the new State or States shall include specific guarantees respecting—

- (a) human rights and fundamental freedoms, including freedom of worship and conscience, speech, press and assemblage, the rights of organised labour, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property; and
- (b) full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters.

COMMENT:

(a) The wide diffusion of both Arabs and Jews throughout Palestine makes it almost inevitable that in any solution there will be an ethnic minority element in the population. In view of the fact that these two peoples live physically and spiritually apart, nurture separate aspirations and ideals, and have widely divergent cultural traditions, it is important, in the interest of orderly society, and for the well-being of all Palestinians, that full safeguards be ensured for the rights of all.

(b) Bearing in mind the unique position of Palestine as the Holy Land, it is especially important to protect the rights and interests of religious minorities.

RECOMMENDATION VIII: Peaceful Relations

IT IS RECOMMENDED THAT—

It shall be required, as a prior condition to independence, to incorporate in the future constitutional provisions applying to Palestine those

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basic principles of the Charter of the United Nations whereby a State shall—

- (a) undertake to settle all international disputes in which it may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered; and
- (b) accept the obligation to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations.

COMMENT:

(a) A fundamental objective in the solution of the Palestine problem is to achieve a reasonable prospect for the preservation of peaceful relations in the Middle East.

(b) Taking into account the charged atmosphere in which the Palestine solution must be effected, it is considered advisable to emphasise the international obligations with regard to peaceful relations which an independent Palestine would necessarily assume.

RECOMMENDATION IX: Economic Unity

IT IS RECOMMENDED THAT—

In appraising the various proposals for the solution of the Palestine question, it shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples.

COMMENT:

(a) It merits emphasis that the preservation of a suitable measure of economic unity in Palestine, under any type of solution, is of the utmost importance to the future standards of public services, the standards of life of its peoples, and the development of the country. Were the country less limited in area and richer in resources, it would be unnecessary to lay such stress on the principle of economic unity. But there are sound grounds for the assumption that any action which would reverse the present policy of treating Palestine as an economic unit, particularly with regard to such matters as customs, currency, transportation and communications, and development projects, including irrigation, land reclamation and soil conservation, would not only handicap the material development of the territory as a whole but would also bring in its wake a considerable hardship for important segments of the population.

(b) Arab and Jewish communities alike would suffer from a complete severance of the economic unity of the country. Each of the two communities, despite the inevitable economic disruptions incident to the present state of affairs in Palestine, makes vital contributions to the economic life of the country, and there is a substantial degree of economic inter-dependence between them.

(c) Despite the degree of separateness in the economic life of the Jewish and Arab communities in Palestine, the fact that unity exists in essential economic matters contributes to the material well-being of both groups. If that economic unity were not maintained in essentials people in all parts of the country would be adversely affected.

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RECOMMENDATION X: Capitulations

IT IS RECOMMENDED THAT—

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, be invited by the United Nations to renounce any right pertaining to them to the re-establishment of such privileges and immunities in an independent Palestine.

COMMENT:

(a) Article 9 (1) of the Mandate for Palestine makes provision for a judicial system which "shall assure to foreigners, as well as to natives, a complete guarantee of their rights." It is especially significant, in this regard, that Article 8 of the Mandate did not abrogate consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, but merely left them in abeyance during the Mandate.

(b) On the termination of the Mandate, therefore, States having enjoyed such rights prior to the Mandate will be, in a position to claim the re-establishment of capitulations in Palestine, and may demand, in particular, as a condition for waiving such right, the maintenance of a satisfactory judicial system.

(c) The Committee takes the view that, since independence will be achieved in Palestine under the auspices of the United Nations, and subject to guarantees stipulated by the United Nations as a condition prior to independence, there should be no need for any State to re-assert its claim with respect to capitulations.

RECOMMENDATION XI: Appeal Against Acts of Violence

IT IS RECOMMENDED THAT—

The General Assembly shall call on the peoples of Palestine to extend their fullest co-operation to the United Nations in its effort to devise and put into effect an equitable and workable means of settling the difficult situation prevailing there, and to this end, in the interest of peace, good order and lawfulness, to exert every effort to bring to an early end the acts of violence which have for too long beset that country.

COMMENT:

(a) The United Nations, being seized with the problem of Palestine, should exert every proper effort to secure there a climate as congenial as possible to the application of a solution of the problem, both as regards the transitional and post-transitional periods.

(b) The recurrent acts of violence, until very recently confined almost exclusively to underground Jewish organisations, are not only detrimental to the well-being of the country, but will also so augment the tension in Palestine as to render increasingly difficult the execution of the solution to be agreed upon by the United Nations.

SECTION B.—RECOMMENDATION APPROVED BY SUBSTANTIAL MAJORITY

RECOMMENDATION XII: The Jewish Problem in General

(Two members of the Committee dissented from this recommendation and one recorded no opinion.)

IT IS RECOMMENDED THAT—

In the appraisal of the Palestine question, it be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

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COMMENT :

(a) Palestine is a country of limited area and resources. It already has a considerable settled population which has an unusually high rate of natural increase. It is therefore most improbable that there could be settled in Palestine all the Jews who may wish to leave their present domiciles, for reasons of immediate displacement or distress, or actual or anticipated anti-Jewish attitudes in the countries in which they now reside.

(b) In any case, owing to the factors of time, limited transportation and local ability to absorb, it could not be anticipated that Palestine alone could relieve the urgent plight of all the displaced and distressed Jews.

(c) Further, serious account must be taken of the certain resentment and vigorous opposition of the Arabs throughout the Middle East to any attempt to solve, at what they regard as their expense, the Jewish problem, which they consider to be an international responsibility.

(d) With regard to Jewish immigration into the Jewish areas of Palestine during the proposed transitional period, it is to be noted that provision for limited and controlled immigration during such period is made in both the partition and federal State proposals set forth in Chapters VI and VII respectively.

Chapter VI.—Recommendations (II)

1. The Committee, sitting informally as a means of facilitating its deliberations on specific proposals, informally set up two small working groups to explore specific proposals with regard to a plan of partition involving economic union. One of these groups was known as the Working Group on Constitutional Matters, and the other was the Working Group on Boundaries.

2. The Working Group on Constitutional Matters, consisting of Mr. Sandstrom, Mr. Blom, Mr. Granados and Mr. Rand, in a series of informal meetings, formulated a plan of partition with provisions for economic unity and constitutional guarantees, which was subsequently discussed and completed in joint discussions of these two working groups.

3. In the course of the forty-seventh meeting of the Committee on 27th August, 1947, seven members of the Committee (Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay) expressed themselves, by recorded vote, in favour of the Plan of Partition with economic union, presented by the Working Group on Constitutional Matters.

4. The Plan of Partition with Economic Union is herewith reproduced.

It consists of the following three parts:—

Part I.—Partition with Economic Union.

Part II.—Boundaries.

Part III.—City of Jerusalem.

PART I.—PLAN ON PARTITION WITH ECONOMIC UNION

JUSTIFICATION

1. The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.

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2. It is a fact that both of these peoples have their historic roots in Palestine, and that both make vital contributions to the economic and cultural life of the country. The partition solution takes these considerations fully into account.

3. The basic conflict in Palestine is a clash of two intense nationalisms. Regardless of the historical origins of the conflict, the rights and wrongs of the promises and counter-promises, and the international intervention incident to the Mandate, there are now in Palestine some 650,000 Jews and some 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests which render difficult full and effective political co-operation among them, whether voluntary or induced by constitutional arrangements.

4. Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations.

5. The partition solution provides that finality which is a most urgent need in the solution. Every other proposed solution would tend to induce the two parties to seek modification in their favour by means of persistent pressure. The grant of independence to both States, however, would remove the basis for such efforts.

6. Partition is based on a realistic appraisal of the actual Arab-Jewish relations in Palestine. Full political co-operation would be indispensable to the effective functioning of any single state scheme, such as the federal State proposal, except in those cases which frankly envisage an Arab or a Jewish dominated State.

7. Partition is the only means available by which political and economic responsibility can be placed squarely on both Arabs and Jews, with the prospective result that confronted with responsibility for bearing fully the consequences of their own actions, a new and important element of political amelioration will be introduced. In the proposed federal State solution this factor would be lacking.

8. Jewish immigration is the central issue in Palestine to-day and is the one factor, above all others, that rules out the necessary co-operation between the Arab and Jewish communities in a single State. The creation of a Jewish State under a partition scheme is the only hope of removing this issue from the arena of conflict.

9. It is recognised that partition has been strongly opposed by Arabs, but it is felt that that opposition will be lessened by a solution which definitively fixes the extent of territory to be allotted to the Jews with its implicit limitation on immigration. The fact that the solution carries the sanction of the United Nations involves a finality which should allay Arab fears of further expansion of the Jewish State.

10. In view of the limited area and resources of Palestine, it is essential that, to the extent feasible, and consistent with the creation of two independent States, the economic unity of the country should be preserved. The partition proposal, therefore, is a qualified partition, subject to such measures and limitations as are considered essential to the future economic and social well-being of both States. Since the economic self-interest of each State would be vitally involved, it is believed that the minimum measure of economic unity is possible, where that of political unity is not.

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11. Such economic unity requires the creation of an economic association by means of a treaty between the two States. The essential objectives of this association would be a common customs system, a common currency and the maintenance of a country-wide system of transport and communications.

12. The maintenance of existing standards of social services in all parts of Palestine depends partly upon the preservation of economic unity and this is a main consideration underlying the provisions for an economic union as part of the Partition scheme. Partition, however, necessarily changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services.

One of the aims, therefore, of the economic union is to distribute surplus revenue to support such standards. It is recommended that the division of the surplus revenue, after certain charges and percentage of surplus to be paid to the City of Jerusalem are met, should be in equal proportions to the two States. This is an arbitrary proportion but it is considered that it would be acceptable, that it has the merit of simplicity, and that being fixed in this manner, it would be less likely to become a matter of immediate controversy. Provisions are suggested whereby this formula is to be reviewed.

13. This division of customs revenue is justified on three grounds: (1) The Jews will have the more economically developed part of the country embracing practically the whole of the citrus producing area which includes a large number of Arab producers. (2) the Jewish State would, through the customs union, be guaranteed a larger free trade area for the sale of the products of its industry. (3) It would be to the disadvantage of the Jewish State if the Arab State should be in a financially precarious and poor economic condition.

14. As the Arab State will not be in a position to undertake considerable development expenditure, sympathetic consideration should be given to its claims for assistance from international institutions in the way of loans for expansion of education, public health, and other vital social services of a non-self-liquidating nature.

15. International financial assistance would also be required for any comprehensive irrigation schemes in the interest of both States, and it is to be hoped the constructive work by the Joint Economic Board will be made possible by means of international loans on favourable terms.

RECOMMENDATIONS

A.—*Partition and Independence*

1. Palestine within its present borders, following a transitional period of two years from 1st September, 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem, the boundaries of which are respectively described in Parts II and III below.

2. Independence shall be granted to each State upon its request only after it has adopted a constitution complying with the provisions of B, 4 below, made to the United Nations a declaration containing certain guarantees and signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

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B.—*Transitional Period and Constitution*

on. 1. During the transitional period, the present Mandatory Power shall:—

- (a) Carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions and under such supervision as may be agreed upon between the United Kingdom and the United Nations, and if so desired, with the assistance of one or more Members of the United Nations;
- (b) Take such preparatory steps as may be necessary for the execution of the scheme recommended;
- (c) Carry out the following measures:—
 - (1) Admit into the borders of the proposed Jewish State 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom on humanitarian grounds. Should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The responsibility for the selection and care of Jewish immigrants and for the organising of Jewish immigration during the transitional period shall be placed in the Jewish Agency.
 - (2) The restrictions introduced by land regulations issued by the Palestinian Administration under the authority of the Palestine (Amendment) Order-in-Council of 25th May, 1939, will not apply to the transfer of land within the borders of the proposed Jewish State.

2. Constituent assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish States, respectively. The electoral provisions shall be prescribed by the Power administering the territory. Qualified voters for each State for this election shall be persons over twenty years of age who are: (a) Palestinian citizens residing in that State, and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States, respectively.

Women may vote and be elected to the constituent assemblies.

3. During the transitional period, no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Administration.

4. The constituent assemblies shall draw up the constitutions of the States, which shall embody Chapters I and II of the Declaration provided for in C below, and include *inter alia* provisions, for—

- (a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature.
- (b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- (c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

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- (d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association.
- (e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to security considerations; provided that each State shall control residence within its borders.
- (f) Recognise the rights of the Governor of the City of Jerusalem to determine whether the provisions of the constitution of the States in relation to Holy Places, religious buildings and sites within the borders of the States and the religious rights appertaining thereto, are being properly applied and respected and to make decisions in cases of disputes which may arise with respect to such Places, buildings and sites; also accord full co-operation to him and such privileges and immunities as are necessary for the exercise of his functions in those States.

5. The constituent assembly in each State shall appoint a provisional government empowered to make the Declaration and sign the Treaty of Economic Union, provided for in C and D below.

On making the Declaration and signing the Treaty of Economic Union by either State and upon approval of such instruments as being in compliance with these recommendations by the General Assembly of the United Nations, its independence as a sovereign State shall be recognised.

If only one State fulfils the foregoing conditions, that fact will forthwith be communicated to the United Nations for such action by its General Assembly as it may deem proper. Pending such action, the régime of Economic Union as recommended shall apply.

C.—Declaration

A Declaration shall be made to the United Nations by the Provisional Government of each proposed State before the interim administration is brought to an end. It shall contain *inter alia* the following clauses:—

General Provision

The stipulations contained in the Declaration are recognised as fundamental laws of the State, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Holy Places, Religious Buildings and Sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
2. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.
3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned, if no action is taken within a reasonable time.

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4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected and to make decisions in cases of disputes which may arise with respect to such Places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

Religious and Minority Rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion or language.

2. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

3. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or eleemosynary bodies of any faith or to discriminate against any representative or member of them on the ground of his religion or nationality.

4. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired.

5. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.⁽⁵²⁾

6. No expropriation of land owned by an Arab in the Jewish State [by a Jew in the Arab State⁽⁵³⁾] shall be allowed except for public purposes unless the land, suitable for agricultural purposes, has remained uncultivated and unused for not less than one year after written notice of utilisation thereof given and upon an order made by the Supreme Court of the respective State approving the expropriation on the grounds of absence of sufficient reasons for the non-utilisation thereof. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

1. *Citizenship.*—Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident or, if resident in the City of Jerusalem, who sign a notice of intention provided in B, 2 above, of the State mentioned in such notice with full

⁽⁵²⁾ The following stipulation shall be added to the Declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the Administration."

⁽⁵³⁾ In the Declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words "by a Jew in the Arab State."

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civil and political rights, provided that they do not exercise the option mentioned hereafter. Such persons, if over 18 years of age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens, and if they exercise this option it will be taken to include their wives and children under 18 years of age; provided that no person who has signed the notice of intention referred to in B, 2 above, shall have the right of option.

2. *International Conventions.*—The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

3. *Financial Obligations.*—The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the Mandatory Power, until its independence is recognised, including the rights of public servants to pensions, compensation or gratuities, to be negotiated where necessary with the Government of the United Kingdom.

Commercial concessions heretofore granted in respect of any part of Palestine shall continue to be valid according to their terms, unless modified by agreement between the Parties.

1. The provisions of Chapters I and II of this Declaration shall be under the guarantee of the United Nations and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this Declaration shall be referred, at the request of either Party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D.—*Economic Union*

A treaty shall be entered into between the two States and signed simultaneously with the Declaration provided for in C above. The treaty will be binding at once without ratifications. It shall contain provisions to establish the Economic Union of Palestine and to provide for other matters of common interest.

1. *The Economic Union of Palestine*

The objectives of the Economic Union of Palestine shall be:—

- (a) A Customs Union.
- (b) A common currency.
- (c) Operation in the common interest of railways, inter-State highways, postal, telephone and telegraphic services, and the Ports of Haifa and Jaffa.
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation.

There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations in the first instance for a term of three years.

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The functions of the Joint Economic Board shall be to organise and administer, either directly or by delegation, the objectives of the Economic Union.

The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem.

There shall be a common customs tariff with complete freedom of trade between the States and the City of Jerusalem.

The tariff schedules shall be drawn up by a Tariff Commission consisting of representatives of each of the States in equal numbers. In case of disagreement or failure to approve any tariff schedule by a date to be fixed, the matter shall be settled by the arbitration of the Joint Economic Board.

The following items shall be a first charge on the customs revenue:—

- (a) The expenses of the customs service;
- (b) The administrative expenses of the Joint Economic Board;
- (c) The financial obligations of the Administration of Palestine consisting of—
 - (i) The service of the outstanding public debt,
 - (ii) The cost of superannuation benefits, now being paid or falling due in future.

After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent. and not more than 10 per cent. to the City of Jerusalem and the residue in equal proportion to the Jewish and Arab States. After a period of three years, the division shall be reviewable by the Joint Economic Board which shall make such modifications as may be deemed necessary.

All international conventions and treaties affecting customs tariffs, communications and commercial matters generally, shall be entered into by both States.

2. Freedom of Transit and Visit

The Treaty shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within their borders.

3. Termination, Modification and Interpretation of Treaty

The Treaty shall remain in force for a period of ten years, and it shall continue in force until notice of termination to take effect two years thereafter is given by either of the parties and such termination assented to by the General Assembly of the United Nations.⁽⁵⁴⁾

During the initial ten-year period, the Treaty may not be modified except by consent of both parties and with the approval of the General Assembly.⁽⁵⁵⁾

⁽⁵⁴⁾ A number of members of the Committee held the view that, at the end of the ten-year period, parties should be free to terminate the Treaty without the interference of the General Assembly.

⁽⁵⁵⁾ A number of members of the Committee proposed to add here: "Thereafter modifications may be made by agreement of the two States, but no such modification shall remove from the Treaty any of the objectives of the Economic Union without the assent of the General Assembly of the United Nations."

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Any dispute relating to the application or the interpretation of the Treaty shall be referred, at the request of either Party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E.—Assets

The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Immovable assets shall become the property of the government in the territory of which they are situated.

F.—Admission to Membership in the United Nations

Upon the recognition of the independence of the Arab and Jewish States, respectively, sympathetic consideration should be given to their application for admission to membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations.

A COMMENTARY ON PARTITION

The primary objectives sought in the foregoing scheme are, in short, political division and economic unity: to confer upon each group, Arab and Jew, in its own territory, the power to make its own laws, while preserving to both, throughout Palestine, a single integrated economy, admittedly essential to the well-being of each, and the same territorial freedom of movement to individuals as is enjoyed to-day. The former necessitates a territorial partition; the latter, the maintenance of unrestricted commercial relations between the States, together with a common administration of functions in which the interests of both are in fact inextricably bound together.

The territorial division with the investment of full political power in the State achieves, in turn, the desire of each for statehood and at the same time creates a self-operating control of immigration. Although free passage between the States for all residents is provided, each State retains exclusive authority over the acquisition of residence and this, with its control over land, will enable it to preserve the integrity of its social organisation.

The Economic Union is to be administered by a Joint Economic Board in the composition of which a parity of interest in the two States is recognised by equal representation from them. But in relation to such necessary and convenient services day-to-day rulings are imperative; and since in present circumstances it cannot be expected that in joint matters they would easily agree, the principle of arbitral decision is introduced by adding to the Board three independent outside persons to be chosen by the United Nations. It is obvious that while such a device is an accepted mode of adjusting economic disputes, it would be unacceptable as a general method of making political decisions. This limits, therefore, the functions with which the Board can be clothed, and confines them to such neutral services as communications or to a function which, though carrying a political quality, is dictated by the necessities of the overriding interests of unity.

In these respects the scheme may be contrasted with that of the federal State presented by three members of the Committee. In the latter, paramount political power, including control over immigration, is vested at the centre; but the attempt to introduce parity through equal representation in one chamber of the Legislature is nullified by the predominance of Arab majority influence in the ultimate decision. But even were an independent element to be introduced, the administration would break down because of the wide political field in which it would operate. If that field were reduced to the subjects dealt with by the Board under the Economic Union scheme,

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apart from the question of majority determination, the difference in substance between the two plans would lie in the failure of the federal scheme to satisfy the aspirations of both groups for independence.

The Arab State will organise the substantial majority of Arabs in Palestine into a political body containing an insignificant minority of Jews; but in the Jewish State there will be a considerable minority of Arabs. That is the demerit of the scheme; but such a minority is inevitable in any feasible plan which does not place the whole of Palestine under the present majority of the Arabs. One cannot disregard the specific purpose of the Mandate and its implications nor the existing conditions, and the safeguarding of political, civil and cultural rights provided by the scheme are as ample as can be devised.

But in the larger view here are the sole remaining representatives of the Semitic race. They are in the land in which that race was cradled. There are no fundamental incompatibilities between them. The scheme satisfies the deepest aspiration of both, independence. There is a considerable body of opinion in both groups which seeks the course of co-operation. Despite, then, the drawback of the Arab minority, the setting is one from which, with goodwill and a spirit of co-operation, may arise a rebirth in historical surroundings of the genius of each people. The massive contribution made throughout the centuries by them in religious and ethical conceptions, in philosophy, and in the entire intellectual sphere, should excite among the leaders a mutual respect and a pride in their common origin.

The Jews bring to the land the social dynamism and scientific method of the West; the Arabs confront them with individualism and intuitive understanding of life. Here then, in this close association, through the natural emulation of each other, can be evolved a synthesis of the two civilisations, preserving, at the same time, their fundamental characteristics. In each State, the native genius will have a scope and opportunity to evolve into its highest cultural forms and to attain its greatest reaches of mind and spirit. In the case of the Jews, that is really the condition of survival. Palestine will be kept one land in which Semitic ideals may pass into realisations.

At the same time there is secured, through the constitutional position of Jerusalem and the Holy Places, the preservation of the scenes of events in which also the sentiments of Christendom centre. There will thus be imposed over the whole land an unobjectionable interest in the adherents of all three religions throughout the world, and so secured, this unique and historical land may at last cease to be the arena of human strife.

Whether, however, these are vain speculations must await the future. If they are never realised, it will not, it is believed, be because of defects in the machinery of government that is proposed to them.

PART II.—BOUNDARIES

DEFINITION

The plan envisages the division of Palestine into three parts: an Arab State, a Jewish State and the City of Jerusalem. The proposed Arab State will include western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include eastern Galilee, the Esdraelon plain, most of the Coastal Plain, and the whole of the Beersheba sub-district, which includes the Negeb.

The three sections of the Arab State and the three sections of the Jewish State are linked together by two points of intersection, of which one is situated south-east of Afula in the sub-district of Nazareth, and the other north-east of El Majdal in the sub-district of Gaza.

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THE ARAB STATE

Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras en Naqura to Qadas. On the east the boundary starting from Qadas passes southwards, west of Safad to the south-western corner of the Safad sub-district; thence it follows the western boundary of the Tiberias sub-district to a point just east of Mount Tabor; thence southwards to the point of intersection south-east of Afula mentioned above. The south-western boundary of Western Galilee takes a line from this point, passing south of Nazareth and Shafr Amr, but north of Beit Lahm, to the coast just south of Acre.

The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the northern boundary of the Samaria district westwards to the point of intersection south-east of Afula, thence again westwards to Lajjun, thence in a south-western direction, passing just west of Tulkarm, east of Qalqilia and west of Majdal Yaba, thence bulging westwards towards Rishon-le-Zion so as to include Lydda and Ramle in the Arab State, thence turning again eastwards to a point west of Latrun, thereafter following the northern side of the Latrun-Majdal road to the second point of intersection, thence south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence following the southern boundary of the Hebron sub-district to the Dead Sea.

The Arab section of the coastal plain runs from a point a few miles north of Isdud to the Egyptian frontier extending inland approximately 8 kilometres.

THE JEWISH STATE

The north-eastern sector of the proposed Jewish State (Eastern Galilee) will have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the east and will include the whole of the Huleh basin, Lake Tiberias and the whole of the Beisan sub-district. From Beisan the Jewish State will extend north-west following the boundary described in respect of the Arab State.

The Jewish sector on the coastal plain extends from a point south of Acre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area includes the whole of the Beersheba sub-district, which includes the Negeb and the eastern part of the Gaza sub-district south of the point of intersection. The northern boundary of this area, from the point of intersection, runs south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence follows the southern boundary of the Hebron sub-district to the Dead Sea.

THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem.

JUSTIFICATION

In making its proposal for a plan of partition with economic union for Palestine the members of the Committee supporting this plan are fully aware of the many difficulties of effecting a satisfactory division of Palestine into a Jewish and an Arab State. The main problems to be faced are the following:—

1. *The Problem of Minorities*

The central inland area of Palestine includes a large Arab population and, leaving Jerusalem out of account, practically no Jews. This obviously

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is the main starting point in demarcating a possible Arab State. Further north, particularly in western Galilee, and separated from the central area by a narrow belt of Jewish settlements, is another concentration of Arabs and very few Jews. These two areas form the main territory of an Arab State which has only a very small minority of Jews.

The Jewish State, on the other hand, has its centre and starting-point in the coastal plain between Haifa and Tel Aviv and even in this area there is also a considerable number of Arabs. Extensions of this area in the most suitable directions to include a larger number of Jews as well as a larger land area, increase the proportion of Arabs to Jews in the Jewish State.

2. *The Problem of Viability*

The creation of two viable States is considered essential to a partition scheme.

3. *The Problem of Development*

A partition scheme for Palestine must take into account both the claims of the Jews to receive immigrants and the needs of the Arab population, which is increasing rapidly by natural means. Thus, as far as possible, both partitioned States must leave some room for further land settlement.

4. *The Problem of Contiguity*

It is obviously desirable to create States with continuous frontiers. Due to geographic and demographic factors it is impossible to make a satisfactory partition without sacrificing this objective to some extent.

5. *Access to the Sea for the Arab State*

Even within the scheme for Economic Union this is considered to be important for psychological as well as material reasons.

In solving this complex of problems a compromise is necessary and in suggesting the boundaries upon which this partition scheme rests all these matters have been given serious consideration so that the solution finally reached appears to be the least unsatisfactory from most points of view.

The figures given below of the distribution of the settled population in the two proposed States are estimated on the basis of official figures up to the end of 1946 and are approximately as follows⁽⁵⁶⁾:—

		<i>Jews</i>	<i>Arabs and others</i>	<i>Total</i>
The Jewish State ...	...	498,000	407,000	905,000
The Arab State ...	...	10,000	725,000	735,000
City of Jerusalem ...	...	100,000	105,000	205,000

in addition there will be in the Jewish State about 90,000 Bedouins, cultivators and stock owners who seek grazing further afield in dry seasons.

The proposed Jewish State leaves considerable room for further development and land settlement and, in meeting this need to the extent it has been met in these proposals, a very substantial minority of Arabs is included in the Jewish State. On the other hand, Western Galilee is attributed to the Arab State, providing it with some areas for further development and also giving it an outlet to the sea at the town of Acre. An outlet to the sea is also provided in the south by the inclusion of Gaza in the Arab State.

Nearly all previous attempts to draw partition maps for Palestine have been faced with the separation of the solid Arab population in Judea and

⁽⁵⁶⁾ According to the Government of Palestine, the total Jewish population in July 1947 was 625,000. In addition, there may be a number of illegal unregistered immigrants not included in this total.

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Samaria from the Arab population in Galilee. To include the whole of Galilee in a Jewish State provides contiguous frontiers but it also results in the inclusion of the large Arab population in western Galilee in the Jewish State and weakens the Arab State economically and politically by denying to it a developed Arab area. In the present partition scheme these problems have been solved by a definition of boundaries which provides two important links, one between western Galilee and Samaria and one in the south near Gaza. These links are at suitable meeting places of the frontiers and would consist in each case of a small unbuilt area which would be a condominium. By this means it has been possible to include western Galilee in the Arab State without the disadvantage of its being separated at all points from Samaria by the territory of the Jewish State.

The inclusion of the whole Beersheba Sub-District in the Jewish State gives to it a large area, parts of which are very sparsely populated and capable of development, if they can be provided with water for irrigation. The experiments already carried out in this area by the Jews suggest that further development in an appreciable degree should be possible by heavy investment of capital and labour and without impairing the future or prejudicing the rights of the existing Bedouin population. The Negeb south of latitude 31, though included in the Jewish State, is desert land of little agricultural value, but is naturally linked with the northern part of the Sub-District of Beersheba.

Jaffa, which has an Arab population of about 70,000, is entirely Arab except for two Jewish quarters. It is contiguous with Tel Aviv and would either have to be treated as an enclave or else be included in the Jewish State. On balance, and having in mind the difficulties which an enclave involves, not least from the economic point of view, it was thought better to suggest that Jaffa be included in the Jewish State, on the assumption that it would have a large measure of local autonomy and that the port would be under the administration of the Economic Union.

THE PROBLEM OF VIABILITY

On this question the Secretariat has prepared a technical note which is as follows:—

A TECHNICAL NOTE ON THE VIABILITY OF THE PROPOSED PARTITION STATES

Prepared by the Secretariat

“ On certain assumptions it may be possible in a given case to calculate roughly the order of magnitude of the loss or gain of revenue which an area might experience as a result of partition. Similar estimates might be made of expenditures necessary to maintain existing standards of social services and other normal budget expenditures, and a comparison of the two sets of figures would throw some light on the ability of the State in question to maintain these standards without large budget deficits. It should, of course, be made quite clear that this would not be in any sense a measure of an actual budgetary position, but merely a general indication of the probability of the viability or non-viability of the area under consideration.

In the case of the plan for the partition of Palestine recommended in this Report, as well as in the case of all previous partition plans which have been suggested, it is the viability of the Arab State that is in doubt. It is necessary, therefore, to examine the proposed Arab State from this point of view as carefully as conditions permit. Until the proposed boundaries are precisely defined, however, it would not be possible to assemble accurate information regarding the area. Therefore, in order to get a preliminary

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idea of viability as we have defined it of the proposed Arab State a calculation was made in respect of the areas which it had been proposed should become Arab provinces in the provincial autonomy plan elaborated by the Government of the United Kingdom in 1946. Fairly complete statistics were available in regard to this particular plan of partition. As it happens, though the partition proposed by the members of this Committee differs in some very important respects from the provincial autonomy plan of the British Government, the area of the proposed Arab State is not very different in the two cases and in regard to actual resources the differences are not very marked. The most important difference is in respect of the town of Jaffa, which in the British plan is part of the Arab State and in the present plan is part of the Jewish State. The estimated total population of the Arab States in the two cases is as follows:—

British provincial autonomy plan	...	...	...	830,000
Committee's proposed plan	...	...	...	730,000

The difference is mainly accounted for by the town of Jaffa which has about 70,000 Arabs. Apart from the town of Jaffa there are no important differences in economic resources of the Arab areas in the two plans.

The calculation has been made as follows: the budget estimates of the Palestine Administration for the year 1947-48, both as regards revenue and expenditure, have been taken as the sole basis of the calculation. Assuming the boundaries of the British scheme mentioned above the expenditures have been partitioned between the States on a population basis. Some expenditure has been reserved to a central body on the assumption that a customs union would be set up and that certain obligations for public debt and pensions would be met as charges on surplus revenue. Apart from this and a few small items, all the expenditure of the present Administration has been hypothetically divided among the States. This procedure is open to the objection that in fact in a partitioned State the items of expenditure might be different. This is true, but it must be remembered that it cannot be known how such States would develop their policy and our present assumption is that the same standard of public services is maintained. Actually there would be some increase in overhead expenditure in providing the same services in a partitioned Palestine since partitioning would involve some duplication of administration. The difference on this account might not be very great, however.

No expenditure has been allocated to defence since the costs of external defence are at present borne by the British Government, and expenditure for internal security, which is £P.7 million in the present estimates, has been added to the expenditures of the States in the present calculation.

The estimates of revenue for the year 1947-48 have, with the exception of customs revenue and net income from the Currency Board, Posts and Telegraph, &c., been attributed to the different States on a territorial basis. In respect of land tax, animal tax, and about 75 per cent. of income tax, it is possible, on figures supplied by the Palestine Government, to make this division fairly accurately. In other cases it has been necessary to use an arbitrary assumption that the revenue would be in a proportion to the population.

The summary results of this calculation are as follows:—

<i>Jewish State—</i>		£P.
Revenue (apart from customs)	...	4,878,000
Expenditure	...	8,418,000
Deficit	...	3,540,000

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<i>Arab State—</i>		<i>£P.</i>
Revenue (apart from customs)		1,560,000
Expenditure		9,324,000
Deficit		7,764,000
<i>City of Jerusalem—</i>		
Revenue (apart from customs)		1,098,000
Expenditure		3,004,000
Deficit		1,906,000
Combined Deficit		13,210,000
Net Revenue of Customs and other joint services		11,996,000

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The net revenue of joint services is available for distribution between the two States and the City of Jerusalem but falls short of the combined deficits by just over one and a quarter million pounds. This, however, is not important in the present discussion since it is merely the consequence of basing the calculations on the actual estimates of the present Palestine Administration. It should be noted that in the present administrative budget there are expenditures of £P.7 million on police and security and about £P.2 million on subsidies designed to keep the cost of living down. Police expenditure should certainly be substantially reduced in the event of a settlement of the Palestine problem, and it is also possible that some saving could be made in regard to food subsidies since the necessity for them would be less in an Arab State which would contain a large number of self-sufficient cultivators and relatively few industrial wage earners. In this case the expenditure attributed to the Arab State on this basis might be capable of reduction by as much as £P.3 million. Reductions on police expenditure should, of course, be also possible for the other two areas. On the side of revenue it is possible that income tax yields could be increased in the area of the proposed Arab State."

It is in the light of these considerations that the members of the Committee in proposing their partition scheme with economic union have made their particular recommendations for the distribution of the customs revenue. By this means the members of the Committee supporting the partition plan believe that the viability of the Arab State could be reasonably assured.

The Committee is satisfied that, in the sense defined, the proposed Jewish State and the City of Jerusalem would be viable.

PART III.—CITY OF JERUSALEM

JUSTIFICATION

1. The proposal to place the City of Jerusalem under international trusteeship is based on the following considerations:—
2. Jerusalem is a Holy City for three faiths. Their shrines are side by side; some are sacred to two faiths. Hundreds of millions of Christians, Moslems and Jews throughout the world want peace and especially religious peace to reign in Jerusalem, the sacred character of its Holy Places to be preserved, access to them guaranteed to pilgrims from abroad.
3. The history of Jerusalem, during the Ottoman régime as under the Mandate, shows that religious peace has been maintained in the City because the Government was anxious and had the power to prevent controversies

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involving some religious interest from developing into bitter strife and disorder. The Government was not intimately mixed in local politics and could, when necessary, arbitrate conflicts.

4. Religious peace in Jerusalem is necessary for the maintenance of peace in the Arab and in the Jewish States. Disturbances in the Holy City would have far-reaching consequences, extending perhaps beyond the frontiers of Palestine.

5. The application of the provisions relating to the Holy Places, religious buildings and sites in the whole of Palestine would also be greatly facilitated by the setting up of an international authority in Jerusalem. The Governor of the City would be empowered to supervise the application of such provisions and to arbitrate conflicts in respect of the Holy Places, religious buildings and sites.

6. The International Trusteeship System is proposed as the most suitable method of meeting the special problems presented by Jerusalem, for the reason that the Trusteeship Council, as a principal organ of the United Nations, affords a convenient and effective means of ensuring both the desired international supervision and the political, economic and social well-being of the population of Jerusalem.

RECOMMENDATIONS

1. The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority in accordance with Article 81 of the Charter of the United Nations.

2. The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dir; the most southern Bethlehem; the most western Ein Karim and the most northern Shu'fat, as indicated on the attached sketch-map.

3. The Trusteeship Agreement in respect of the Holy Places, religious buildings and sites, and minorities shall contain provisions similar to those contained in Chapters I and II of the Declaration in the Plan of Partition with Economic Union. It shall also include, *inter alia*, the provisions set forth below:—

- (1) The City of Jerusalem shall be demilitarised and its neutrality shall be declared and preserved and no para-military formations, exercises or activities shall be permitted within its borders.
- (2) Persons residing in the City of Jerusalem, without distinction as to ethnic origin, sex, language or religion, shall be ensured protection under its laws with regard to the enjoyment of human rights and fundamental freedoms, including freedom of worship, language, speech and publication, education, assembly and association.
- (3) Residents of the City of Jerusalem, irrespective of nationality, may participate in the local elections of the City and they shall be subject to the jurisdiction of the City in respect of taxation and judicial proceedings.
- (4) A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council. He shall be neither Arab nor Jew nor a citizen of the Palestine States nor, at the time of appointment, a resident of the City of Jerusalem.
- (5) In addition to the Governor, there shall be such other executive, legislative and judicial organs, bodies and offices for the government of the City as may be determined in the Trusteeship Agreement.

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- (6) The Governor, as chief administrative official of the City, shall be responsible, in such manner as the Trusteeship Agreement shall prescribe, for the conduct of the administration of the City. With relation to the Holy Places, religious buildings and sites in any part of Palestine, other than the City of Jerusalem, he shall determine whether the provisions of the constitution of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected. The protection of all such places, buildings and sites located in the City of Jerusalem shall be a special concern of his office. He shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different communities in respect of such Holy Places, religious buildings and sites in any part of Palestine.
- (7) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.
- (8) The City of Jerusalem shall guarantee free transit and visit to residents of the Arab and Jewish States in Palestine, subject only to security considerations.
- (9) The protection of the Holy Places, religious buildings and sites in the City of Jerusalem shall be entrusted to a special police force, the members of which shall be recruited outside of Palestine and shall be neither Arab nor Jew. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this special force.
- (10) The City of Jerusalem should be included in the Economic Union of Palestine.

Chapter VII.—Recommendations (III)

1. In the course of the informal meetings of the Committee to explore solutions, a working group on the federal State proposal was set up, consisting of Sir Abdur Rahman, Mr. Entezam, Mr. Simic and Mr. Atyeo.
2. The Working Group on the Federal State Solution formulated a comprehensive proposal along these lines which was voted upon and supported by three members (India, Iran and Yugoslavia) at the forty-seventh meeting of the Committee on 27th August, 1947.
3. The Federal State Plan is herewith reproduced:—

FEDERAL STATE PLAN

JUSTIFICATION FOR THE FEDERAL STATE SOLUTION

1. It is incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.
2. It is recognised that Palestine is the common country of both indigenous Arabs and Jews, that both these peoples have had an historic association with it and that both play vital rôles in the economic and cultural life of the country.
3. This being so, the objective is a dynamic solution which will ensure equal rights for both Arabs and Jews in their common State, and which will maintain that economic unity which is indispensable to the life and development of the country.

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4. The basic assumption underlying the views herein expressed is that the proposal of other members of the Committee for a union under artificial arrangements designed to achieve essential economic and social unity after first creating political and geographical disunity by partition, is impracticable, unworkable and could not possibly provide for two reasonably viable States.

5. Two basic questions have been taken into account in appraising the feasibility of the federal State solution, viz., (a) whether Jewish nationalism and the demand for a separate and sovereign Jewish State must be recognised at all costs, and (b) whether a will to co-operate in a federal State could be fostered among Arabs and Jews. To the first, the answer is in the negative, since the well-being of the country and its peoples as a whole is accepted as outweighing the aspirations of the Jews in this regard. To the second, the answer is in the affirmative, as there is a reasonable chance, given proper conditions, to achieve such co-operation.

6. It would be a tragic mistake on the part of the international community not to bend every effort in this direction. Support for the preservation of the unity of Palestine by the United Nations would in itself be an important factor in encouraging co-operation and collaboration between the two peoples and would contribute significantly to the creation of that atmosphere in which the will to co-operate can be cultivated. In this regard, it is realised that the moral and political prestige of the United Nations is deeply involved.

7. The objective of a federal State solution would be to give the most feasible recognition to the nationalistic aspirations of both Arabs and Jews and to merge them into a single loyalty and patriotism which would find expression in an independent Palestine.

8. The federal State is also in every respect the most democratic solution, both as regards the measures required for its implementation and in its operation, since it requires no undemocratic economic controls, avoids the creation of national minority groups, and affords an opportunity for full and effective participation in representative government to every citizen of the State. This solution would be most in harmony with the basic principles of the Charter of the United Nations.

9. The federal State solution would permit the development of patterns of government and social organisation in Palestine which would be more harmonious with the governmental and social patterns in the neighbouring States.

10. Such a solution would be the one most likely to bring to an end the present economic boycotts to the benefit of the economic life of the country.

11. Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this regard it is important to avoid an acceleration of the separatism which now characterises the relations of Arabs and Jews in the Near East, and laying the foundations of a dangerous irredentism there, which would be the inevitable consequences of partition in whatever form. A federal State solution, therefore, which in the very nature of the case must emphasise unity and co-operation, will best serve the interests of peace.

12. It is a fact of great significance that very few, if any, Arabs are in favour of partition as a solution. On the other hand, a substantial number of Jews, backed by influential Jewish leaders and organisations, are strongly opposed to partition. Partition both in principle and in substance can only

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be regarded as an anti-Arab solution. The federal State, however, cannot be described as an anti-Jewish solution. To the contrary, it will best serve the interests of both Arabs and Jews.

13. A federal State would provide the greatest opportunity for ameliorating the present dangerous racial and religious divisions in the population, while permitting the development of a more normal social structure.

14. The federal State is the most constructive and dynamic solution in that it eschews an attitude of resignation towards the question of the ability of Arabs and Jews to co-operate in their common interest in favour of a realistic and dynamic attitude, namely, that under changed conditions the will to co-operate can be cultivated.

15. A basis for the assumption that co-operation between the Arab and Jewish communities is not impossible is found in the fact that even under the existing highly unfavourable conditions, the Committee did observe in Palestine instances of effective and fruitful co-operation between the two communities.

16. While it may be doubted whether the will to co-operate is to be found in the two groups under present conditions, it is entirely possible that if a federal solution were firmly and definitively imposed, the two groups, in their own self-interest, would gradually develop a spirit of co-operation in their common State. There is no basis for an assumption that these two peoples cannot live and work together for common purposes once they realise that there is no alternative. Since under any solution large groups of them would have to do so, it must either be taken for granted that co-operation between them is possible or it must be accepted that there is no workable solution at all.

17. Taking into account the limited area available and the vital importance of maintaining Palestine as an economic and social unity, the federal State solution seems to provide the only practical and workable approach.

RECOMMENDATIONS

The undersigned representatives of India, Iran and Yugoslavia, not being in agreement with the recommendation for partition formulated by the other members of the Committee, and for the reasons, among others, stated above, present to the General Assembly the following recommendations, which in their view, constitute the most suitable solution to the problem of Palestine.

I.—THE INDEPENDENT STATE OF PALESTINE

IT IS RECOMMENDED THAT—

1. The peoples of Palestine are entitled to recognition of their right to independence, and an independent federal State of Palestine shall be created following a transitional period not exceeding three years.
2. With regard to the transitional period, responsibility for administering Palestine and preparing it for independence under the conditions herein prescribed shall be entrusted to such authority as may be decided upon by the General Assembly.
3. The independent federal State of Palestine shall comprise an Arab State and a Jewish State.
4. In delimiting the boundaries of the Arab and Jewish States, respectively, consideration shall be given to anticipated population growth.

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5. During the transitional period a constituent assembly shall be elected by the population of Palestine, which shall formulate the constitution of the independent federal State of Palestine. The authority entrusted by the General Assembly with responsibility for administering Palestine during the transitional period shall convene the constituent assembly on the basis of electoral provisions, which shall ensure the fullest possible representation of the population, provided that all adult persons who have acquired Palestinian citizenship, as well as all Arabs and Jews who, though non-citizens, may be resident in Palestine and who shall have applied for citizenship in Palestine not less than three months before the date of the election, shall be entitled to vote therein.

6. The attainment of independence by the independent federal State of Palestine shall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the General Assembly that the constituent assembly referred to in the preceding paragraph has adopted a constitution incorporating the provisions set forth in Chapter II below.

II.—OUTLINE OF THE STRUCTURE AND REQUIRED PROVISIONS IN THE CONSTITUTION OF PALESTINE

(The provisions set forth in this chapter are not designed to be the constitution of the new independent federal State of Palestine. The intent is that the constitution of the new State, as a condition for independence, shall be required to include, *inter alia*, the substance of these provisions.)

IT IS RECOMMENDED THAT—

As a condition prior to the grant of independence, the constitution of the proposed independent federal State of Palestine shall include, in substance, the following provisions:—

1. The governmental structure of the independent federal State of Palestine shall be federal and shall comprise a Federal Government and the Governments of the Arab and Jewish States respectively.

2. Among the organs of government there shall be a Head of State and an executive body, a representative federal legislative body, a federal court and such other subsidiary bodies as may be deemed necessary.

3. The federal legislative body shall be composed of two chambers.

4. Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole.

5. Election of members to the other chamber of the federal legislative body shall be on the basis of equal representation of the Arab and Jewish citizens of Palestine.

6. The federal legislative body shall be empowered to legislate on all matters entrusted to the Federal Government.

7. Legislation shall be enacted when approved by majority votes in both chambers of the federal legislative body.

8. In the event of disagreement between the two chambers with regard to any proposed legislation, the issue shall be submitted to an arbitral body which shall be composed of one representative from each chamber of the federal legislative body, the Head of State, and two members, other than members of the federal court, designated by that court for this purpose, which members shall be so designated by the court with regard to Arabs and Jews as to ensure that neither the Arab nor the Jewish community shall have less than two members on the arbitral body. This arbitral body

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shall first attempt to resolve the disagreement by mediation, but in the event mediation fails the arbitral body shall be empowered to make a final decision which shall have the force of law and shall be binding.

9. The head of the independent federal State of Palestine shall be elected by a majority vote of the members of both chambers of the federal legislative body sitting in a joint meeting convened for this purpose, and shall serve for such term as the constitution may determine.

10. The powers and functions of the head of the independent federal State of Palestine shall be as determined by the constitution of that State.

11. A deputy Head of State shall be similarly elected, who shall be a representative of the community other than that with which the Head of State provided for in Article 9 above is identified. The deputy Head of State in his regular activities and during the absence of the Head of State, for whom he shall act, shall exercise such powers as may be delegated to him by the Head of State, and he shall also act with full powers, for the Head of State in case of his incapacity, or following his death, pending the election of a new Head of State.

12. The executive branch of the Federal Government shall be responsible to the federal legislative body.

13. A federal court shall be established which shall be the final court of appeal with regard to constitutional matters.

14. The federal court shall have a minimum membership of four Arabs and three Jews.

15. The members of the federal court shall be elected at a joint session of both chambers of the federal legislative body for such terms and subject to such qualifications as the constitution may prescribe.

16. The federal court shall be empowered to decide:—

- (a) whether laws and regulations of the Federal and State Governments are in conformity with the Constitution;
- (b) cases involving conflict between the laws and regulations of the Federal Government and laws and regulations of the State Governments;
- (c) all other questions involving an interpretation of the Constitution; and
- (d) such other matters as may be placed within its competence by the Constitution.

17. All decisions of the federal court shall be final.

18. Full authority shall be vested in the Federal Government with regard to national defence, foreign relations, immigration, currency, taxation for federal purposes, foreign and inter-State waterways, transport and communications, copyrights and patents.

19. The Constitution shall forbid any discriminatory legislation, whether by Federal or State Governments, against Arabs, Jews or other population groups, or against either of the States; and shall guarantee equal rights and privileges for all minorities, irrespective of race or religion.

20. The Constitution, having regard for the customs of the people, shall be based on the principle of the full equality of all citizens of Palestine with regard to the political, civil and religious rights of the individual, and shall make specific provision for the protection of linguistic, religious, and ethnic rights of the peoples and respect for their cultures.

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21. The Constitution shall include specific guarantees respecting freedom of conscience, speech, press and assemblage, the rights of organised labour, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property.

22. The Constitution shall guarantee free access to Holy Places, protect religious interests, and ensure freedom of worship and of conscience to all, provided that the traditional customs of the several religions shall be respected.

23. Arabic and Hebrew shall be official languages in both the Federal and State Governments.

24. The Constitution shall include provisions which shall:—

- (a) undertake to settle all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered; and
- (b) accept the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations.

25. There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others on the basis of such qualifications and conditions as the Constitution and laws of the federal State may determine and equally apply.

26. The Arab State and the Jewish State shall enjoy full powers of local self-government, and may institute such representative forms of government, adopt such local constitutions and issue such local laws and regulations as they may deem desirable, subject only to the provisions of the Federal Constitution.

27. Each State Government shall have authority, within its borders, over education, taxation for local purposes, the right of residence, commercial licences, land permits, grazing rights, inter-State migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries, and such aspects of economic activities and such other authority as may be entrusted to the States by the Constitution.

28. Each State shall be entitled to organise a police force for the maintenance of law and order.

29. The Constitution shall provide for equitable participation of the representatives of both communities in delegations to international organisations and conferences, and on all boards, agencies, bureaux or *ad hoc* bodies established under the authority of the State.

30. The independent federal State of Palestine shall accept as binding all international agreements and conventions, both general and specific, to which the territory of Palestine has previously become a party by action of the Mandatory Power acting on its behalf. Subject to such right of denunciation as may be provided therein, all such agreements and conventions shall be respected by the independent federal State of Palestine.

31. The Constitution shall make provision for its method of amendment, provided that it shall be accepted as a solemn obligation undertaken by the independent federal State of Palestine to the United Nations not to alter the provisions of any part of the Constitution or the Constitution as a whole

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Reference:

FO 371 / 61884

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in such manner as to nullify the provisions herein stated as a prior condition to independence, except by the assent of a majority of both the Arab and Jewish members of the federal legislative body.

III.—BOUNDARIES OF THE ARAB AND JEWISH STATES IN THE INDEPENDENT FEDERAL STATE OF PALESTINE

IT IS RECOMMENDED THAT—

The boundaries of the respective Arab and Jewish States in the independent federal State of Palestine shall be as indicated on the map attached to this report as Annex I.

IV.—CAPITULATIONS

IT IS RECOMMENDED THAT—

The General Assembly of the United Nations shall invite all States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulations or usage in the Ottoman Empire, to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the independent federal State of Palestine.

V.—THE HOLY PLACES, RELIGIOUS INTERESTS AND JERUSALEM

A.—*Religious Interests and Holy Places*

IT IS RECOMMENDED THAT—

Since the Holy Places, buildings and sites appertaining to whatever religions and wherever located in Palestine must be recognised as of special and unique interest and concern to the international community, the following principles and measures should be fully safeguarded as a condition for the establishment of the independent federal State of Palestine.

1. Millions of Christians, Jews and Moslems abroad, as well as the inhabitants of Palestine, have a proper and recognised interest in the preservation and care of sites and buildings associated with the origin and history of their respective faiths. The sacred character of the Holy Places shall therefore be preserved and access to them for purposes of worship and pilgrimage shall be ensured in accordance with existing rights.
2. In the interests both of the followers of various faiths and of the maintenance of peace, existing rights in Palestine enjoyed by the several religious communities shall be neither impaired nor denied.
3. The incorporation in the Constitution of the independent federal State of Palestine of provisions of the nature proposed in the preceding paragraph are designed to substantially allay the anxiety which is manifested in many quarters concerning the future status of the Holy Places, religious buildings and sites and the preservation of the rights of the communities in Palestine following the establishment of an independent State of Palestine.
4. The establishment of an adequate and impartial system for the settlement of disputes regarding religious rights is essential to the preservation of religious peace in replacement of the Palestinian administration which exercised such authority under the Mandate. Specific stipulations designed to preserve and protect the Holy Places, religious buildings or sites and the rights of religious communities shall be inserted in the Constitution of the

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independent federal State of Palestine and shall be in substance as follows:—

- (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
- (b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.
- (c) Holy Places and religious buildings or sites shall be preserved and no action shall be permitted which may in any way impair their sacred character.
- (d) If at any time it should appear to the Government of the independent federal State of Palestine or representations to that effect should be made to it by any interested party, that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the religious community or communities concerned to carry out such repair, and in the event no action is taken within a reasonable time the Government itself may carry out the necessary repairs.
- (e) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation under the law in force on the date on which independence shall be granted to the State of Palestine.

5. In the interest of preserving, protecting and caring for Holy Places, buildings or sites in Jerusalem, Bethlehem, Nazareth and elsewhere in Palestine, a permanent international body for the supervision and protection of the Holy Places in Palestine shall be created by the appropriate organ of the United Nations. A list of such Holy Places, buildings or sites shall be prepared by that organ.

6. The membership of the permanent international body for the supervision of Holy Places in Palestine shall consist of three representatives designated by the appropriate organ of the United Nations, and one representative from each of the recognised faiths having an interest in the matter, as may be determined by the United Nations.

7. The permanent international body referred to in paragraphs 5 and 6 above shall be responsible, subject to existing rights, for the supervision and protection of all such Places, buildings or sites in Palestine, and shall be empowered to make representations to the Government of the independent federal State of Palestine respecting any matters affecting the Holy Places, buildings or sites or the protection of religious interests in Palestine, and to report on all such matters to the General Assembly of the United Nations.

B.—Jerusalem

1. Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish.

2. The Arab and Jewish municipalities of Jerusalem, which shall jointly comprise the city and capital of Jerusalem, shall, under the constitution and laws of the federal Government, enjoy powers of local administration within their respective areas, and shall participate in such joint local self-governing institutions as the federal Government may prescribe or permit, provided that equitable representation in such bodies is ensured to followers of such faiths as may be represented in the community.

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Reference:

FO 371 / 61884

3. The Arab and Jewish municipalities of Jerusalem shall jointly provide for, maintain and support such common public services as sewage, garbage collection and disposal, fire protection, water supply, local transport, telephones and telegraph.

C.—Irrevocability of Provisions

The independent federal State of Palestine, irrespective of the provision made in paragraph 31 of Chapter II of these recommendations for amendment of the constitution, shall undertake to accept as irrevocable the above provisions affecting Holy Places, buildings or sites and religious interests.

VI.—INTERNATIONAL RESPONSIBILITY FOR JEWISH DISPLACED PERSONS

1. The Jews in the D.P. Camps and the distressed European Jews outside of them, like the other homeless persons of Europe, are a residue of the Second World War. As such, they are all an international responsibility. But the Jews amongst them have a direct bearing on the solution of the Palestine problem, in view of the insistent demands that they be permitted freely to enter that country, and the Arab fears that this permission will be granted.

2. Although the Committee's terms of reference would not justify it in devoting its attention to the problem of the displaced and homeless persons as a whole, it is entirely justified in recommending to the General Assembly a prompt amelioration of the plight of the Jewish segments of these groups as a vital prerequisite to the settlement of the difficult conditions in Palestine.

3. Therefore, IT IS RECOMMENDED THAT—

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews in and outside of the D.P. camps, of whom approximately 250,000 are in assembly centres, would be accepted as a special concern of extreme urgency, for the alleviation of the Palestine problem, and by means of which a number of those Members of the United Nations not already over-populated would accept within their borders a proportionate number of Jewish refugees, with Palestine accepting its share in accordance with the recommendation on Jewish immigration set forth in Chapter VII below.

VII.—JEWISH IMMIGRATION INTO PALESTINE

1. Jewish immigration into Palestine continues to be one of the central political questions of that country.

2. The solution of the problem of Palestine is rendered more difficult by the fact that large numbers of Jews, and especially the displaced and homeless Jews of Europe, insistently demand the right to settle there, on the basis of the historical association of the Jewish people with that country, and they are strongly supported in this demand by all of the Jews encountered by the Committee in Palestine.

3. It is a fact, also, that many of the Jews in Palestine have relatives among the displaced Jews of Europe who are eager to emigrate to Palestine.

4. While the problem of Jewish immigration is thus closely related to the solution of the Palestine question, it cannot be contemplated that Palestine is to be considered in any sense as a means of solving the problem.

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of world Jewry. In direct and effective opposition to any such suggestion are the twin factors of limited area and resources and vigorous and persistent opposition of the Arab people, who constitute the majority population of the country.

5. For these reasons, no claim to a right of unlimited immigration of Jews into Palestine, irrespective of time, can be entertained. It follows, therefore, that no basis could exist for any anticipation that the Jews now in Palestine might increase their numbers by means of free mass immigration to such extent that they would become the majority population in Palestine.

6. With these considerations in mind,

IT IS RECOMMENDED THAT—

The problem of Jewish immigration into Palestine be dealt with in the following manner:—

- (a) For a period of three years from the effective date of the beginning of the transitional period provided for in the solution to be applied to Palestine, even if the transitional period should be less, Jewish immigration shall be permitted into the borders of the Jewish State in the proposed independent federal State of Palestine, in such numbers as not to exceed the absorptive capacity of that Jewish State, having due regard for the rights of the population then present within that State and for their anticipated natural rate of increase. The authority responsible for executing the transitional arrangements on behalf of the United Nations shall take all measures necessary to safeguard these principles.
- (b) For the purpose of appraising objectively the absorptive capacity of the Jewish State in the independent State of Palestine, an international commission shall be established whose membership shall consist of three representatives designated by the Arabs of Palestine, three representatives designated by the Jews of Palestine, and three representatives designated by the appropriate organ of the United Nations.
- (c) The international commission shall be empowered to estimate the absorptive capacity of the Jewish State, and in discharging this responsibility may call upon the assistance of such experts as it may consider necessary.
- (d) The estimates of the international commission, made in accordance with sub-paragraphs 6 (a) and 6 (c), shall be binding on the authority entrusted with the administration of Palestine, during the period referred to in sub-paragraph 6 (a) above.
- (e) The international commission shall exist only during the period of three years, as provided for in Article 6 (a) above, and its functions and activities, other than those relating to its liquidation, shall automatically cease at the end of that period.
- (f) Responsibility for organising and caring for Jewish immigrants during the transitional period shall be placed in such representative local organisation as the Jewish community of Palestine shall decide.
- (g) Priority in the granting of Jewish immigration certificates during the transitional period shall be accorded to orphans, survivors who are of the same family, close relatives of persons already in Palestine, and persons having useful scientific and technical qualifications.

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Chapter VIII.—Reservations and Observations

1. Some delegates have reserved their position on a number of specific points or have wished to express particular points of view. These reservations and observations will be found in the Appendix to the Report.

2. The delegates making such reservations and observations, and the subjects on which they are recorded, are as follows:—

The Delegate for Australia—

1. Statement on attitude towards proposals in Chapters VI and VII.

The Delegate for Guatemala—

1. Reservation on Recommendation XII of Chapter V.

The Delegate for India—

1. Declaration on Independence.
2. Observations on the Mandate in its historical setting.
3. Declaration on form of government.
4. Declaration of reasons why partition cannot be accepted.

The Delegate for Uruguay—

1. Reservation on Recommendation XII of Chapter V.
2. Declaration on boundaries.
3. Declaration on immigration.
4. Declaration on religious interests.

The Delegate for Yugoslavia—

1. Observations on historical background.
2. Appraisal of the Mandate.
3. Observations on the present situation.

3. The above reservations and observations have not been communicated to all the other members before the signing of the Report.

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Reference: **FO 371 / 61884**

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E 9975

1947

PALESTINE

25 OCT

211

Registry Number

E9975/951/21

TELEGRAM FROM

No.

U.K. Del
New York

Dated

Received in Registry

3047
24 Oct
25

Sub. Committee on
Refer New York tel 3043 (E.9939/951/21)
Re Para 4 it should be added that the
French Agency had applied for the right to
take part in the discussion in the sub-
committee. No such application had been
submitted by the Arab Higher Committee.

Last Paper.

9966

References.

(Minutes.)

Please see also E.9966

U.K. (P.L.) Dept.

Fable
(J.E. CABLER)

27/10

Mrs. Denis
Oct. 27

(Print.)

(How disposed of.)

8, Weatherman. 00
M.I. Pa
M.V. 4
Adapt
O/M.
Oct-28
(on E.9932)

(Action completed.)

JL 16/4/11

(Index)

18/4/48

Next Paper.

9976

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Reference: FO 371 / 61884

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WORLD ORGANISATION DISTRIBUTION.

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 3047 D. 12.50 p.m. 24th October 1947.
24th October 1947. R. 7.20 p.m. 24th October 1947.

Repeated to Jerusalem
Washington (Saving)

IMMEDIATE
GIANT

E 9975

Palestine Sub-Committee One. 25 OCT

With reference to paragraph 4 of my telegram No. 3043, it should be added that the Jewish Agency had applied for the right to take part in the discussions in this Sub-Committee. No such application had been submitted by the Arab Higher Committee and no suggestion was made at yesterday's meetings of the Sub-Committee that an invitation to participate should be sent to them.

Please pass to High Commissioner Jerusalem as my telegram No. 114.

[Copies sent to Colonial Office for transmission to Jerusalem].

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OCT 25 1947

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Reference:

FO 371 / 61884

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1947

PALESTINE

25 OCT

Registry Number

E9976/951/31

TELEGRAM FROM

U.K. 1241

No.

New York

Dated

3049

Received in Registry

24 Oct

25 -

Date of withdrawal
Most interest has been aroused by press report from London dated 23 stating "authoritative source" said today that British are planning to withdraw their troops and administration from Palestine by March 1949. "at the very latest, but a definite statement has in fact been made."

Last Paper.

9975-

References.

(Print.)

(How disposed of.)

S. Weatherman Co.

M.I.39

M04

Admiral

AM

Oct

Tel) New York 3680

27 Oct.

[Rptel. Washington 11108]
Jerusalem

(Action completed.)

10/26/47

(Ink.)

10/21/47

Next Paper.

E9995

(Minutes.)

News Dept. think this ~~might~~ ^{may} have gone out from Co. or the military, (more likely the latter). They were not consulted by journalists until the report came back from the States. They then gave no credence to it.

Draft tel.

Co. ? know nothing of it
(My of Defense) ? if a concern in draft Oct. 27
(or Wright)

JAN 5

JAN 13

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Reference:

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8) as above

✓ Oct. 30

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Reference: **FO 371 / 61884**

Cypher/OTP

DEPARTMENTAL NO. 2.

215

FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations).

No. 5049. D. 1.30 p.m. 24th October 1947.
24th October 1947. R. 8.01 p.m. 24th October 1947.
Repeated to Jerusalem and Washington.

IMMEDIATE.
SECRET.

E 9976

25 OCT

Much interest has been aroused here by press report from London dated 23rd. October stating "authoritative source said today that Britain is planning to withdraw her troops and administration from Palestine by March 1949 'at the very latest' unless a United Nations decision agreeable to both Jews and Arabs is forthcoming..... The authoritative source said the British plans would not prejudice the pledge given to the United Nations that Britain would be ready to play a part in implementing any plan acceptable to both Jews and Arabs".

3. Please inform us as soon as possible whether any statement of this kind has in fact been made. Mention of date so late as March 1949 is of course in conflict with all indications we have been giving here of intentions of His Majesty's Government.

Foreign Office please repeat to Jerusalem as my telegram No. 116.

[Copies sent to Telegraph Section Colonial Office for repetition to Jerusalem].

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Reference:

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. E9976/951/31

Top Secret
Secret
Confidential
Restricted
Open

Draft.

U.K. Delu.
N. York
3680
Oct. 24
Repeat
Jerusalem
Washington
1108
Cypher

Dept. No. 2
Min. of Defence
CO. Command

Copy Co.
WO (MOR.)
M. 13 a)

Mrs. Baird
Oct. 27

Cleared with
News Dept
P. Carran
27/12

RECEIVED IN C.B.
28 OCT 1957
SENT TO DEPT.

OUT FILE

Date

27/10

Despatched

7:30 PM

216

IMMEDIATE
SECRET

Your tel. no. 3049 [Oct. 24:

Palestine]

It has not been possible to trace any "authoritative source" ~~this report, which did not emanate from~~ of this report. It

~~Foreign Office,~~ was

described as unfounded

by F.O. spokesman on

Oct. 23rd ^{who took} (the line

~~taken~~ that no official

announcement had been

made regarding a date for withdrawal, ~~and~~ and comment was

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Reference:

FO 371 / 61884

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217

~~Comment took account~~
~~to this date~~
of objection expressed in
last para. of your tel.

~~under refce.~~
at pains
was careful to discourage the
idea that withdrawal would
take so long.

BAB

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NOTHING TO BE WRITTEN IN THIS MARGIN.

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Reference:

FO 371 / 61884

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E9976/951/31
Cypher/OTP
Secret

DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO NEW YORK
(From United Kingdom Delegation to the United Nations)

No. 3680
27th October, 1947

D: 7.50 p.m. 27th October, 1947

Repeated to: Jerusalem
Washington No. 11108

IMMEDIATE
SECRET

Your telegram No. 3049 [of October 24th: Palestine]

It has not been possible to trace any "authoritative source" of this report. It was described as unfounded by Foreign Office spokesman on October 23rd who took the line that no official announcement had been made regarding a date for withdrawal, and was at pains to discourage the idea that withdrawal would take so long.

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Reference:

FO 371 / 61884

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1947

PALESTINE

27 OCT

Registry Number } E9995/957/21

TELEGRAM FROM

No. U.K. Del

Dated New York

Received in Registry } 3051
24 Oct
27 -

Jerusalem under Trusteeship.
for proposed lunch from ~~Abdullah~~
transmits comments on points of detail
contained in C.O. dispatch to Palestine no 28
re placing city of Jerusalem under
Trusteeship.

Last Paper.

9976

References.

9404/917/21

(Print.)

(How disposed of.)

8 4/6 at her as - Ch
Admiral
A/M
NY 159.
✓ M04
Oct 29

(Action completed.)

Y.C.M. 21/10

(Index)

36/48

Next Paper.

9996

(Minutes.)

See E 9404

UN. (Pol.) Dept.

AB Oct. 29

The last 2 sentences of para. 3 of his telegram give the core of the matter. I do not, however, agree with para. 4; the point is that throughout the H.R. Committee proceedings on Trusteeship and colonial matters the anti-colonial bloc has made great efforts to blur the distinction between Trust Territories and non-self governing territories (i.e. colonies); now that the Indian Resolution urging that such non-self-governing territories as are not ready for self-government should be placed under Trusteeship has passed the H.R. Ctte. and may well get adopted in Plenary Session (perhaps in a watered-down form), the distinction is becoming more and more difficult to maintain. C.O. always feel most strongly about this and their entire policy in these matters is directed towards emphasizing the distinction at all costs.

Admiral
30/10

AB Oct. 31

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Cypher/OTP

DEPARTMENTAL NO.1.

FROM ~~NEW YORK~~ TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 5051

D. 8.05 p.m. October 24th, 1947.

October 24th, 1947.

R. 10.40 p.m. October 24th, 1947.

Following for Trafford Smith Colonial Office from Martin.

TOP SECRET

In E 9404

I have discussed with Poynten your top secret despatch No. 28 to Palestine about placing City of Jerusalem under trusteeship. We entirely agree with the general line and conclusions but offer following comments on points of detail.

2. In paragraph 3 the wording of Article 76(B) of the Charter has been paraphrased and condensed and does not quite give the exact sense of the article. If this argument were used publicly we should of course rely on actual wording of Charter.

3. In paragraph 4 the first two sentences strike us as not entirely cogent. The fact that Trusteeship Council meets only twice a year and possesses only the powers conferred by the Charter does not in our view justify the statement in the first sentence that the Trusteeship Council is not a proper body to exercise supervision (repeat supervision) over the proposed Jerusalem régime. If this argument were used in debate it would doubtless be countered by pointing out that if the Council can effectively supervise the administration of other trust territories on this basis it could equally well supervise the administration of Jerusalem. The important point to our mind lies in the latter part of paragraph 4, namely that the Trusteeship Council should not be turned into an executive (repeat executive) body. It could not for example itself be designated as the administering authority.

4. Finally we do not quite follow the argument that the granting of executive powers to the Trusteeship Council would prove an embarrassing precedent for intervention by the Council "in other non-self-governing territories". It would certainly be an embarrassing precedent for intervention in an executive sense in other trust territories but should hardly set a precedent for intervention in regard to non-self-governing territories which are not under trusteeship at all. That danger is always present, but does not seem to be greatly increased by this particular precedent.

5. Sub-committee will presumably discuss recommendations regarding future of Jerusalem early next week. It will not be essential to have the draft statute ready at that stage but I shall be glad if you will send it as soon as possible.

[Copies sent to Colonial Office]

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Reference:

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1947

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E 9996

27 OCT 291

PALESTINE

Registry Number } E9996/951/31
 TELEGRAM FROM
 No. U.K. Del
 Dated New York
 Received in Registry } 3057
 24 Oct
 27

Palastine Sub Committee one.
Refer New York til 3043 (E9939/951/21)
Venezuelan delegate at meeting of the Sub-Committee
was Zuleaga not Stolk.
Para 4 of New York til 3048 (E9966 should
conclude but the terms of the declaration
and adaptation of the paragraph as a whole were
left for later discussion.

Last Paper.

999-

(Minutes.)

Amendments made

JB Oct. 28

References.

(Print.)

(How disposed of.)

Whithian. CB.
M.I.3 a.
M.I.4
Admky
G.M.
Oct-29
(on E9995)

(Action completed.)

Palmer/11

(Index.)

[Signature]
13/10/45

Next Paper.

9997

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Reference: **FO 371 / 61884**

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E 9997

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1947

PALESTINE

27 OCT

Registry Number

E9997/957/31

TELEGRAM FROM

U.K. D.O.

No.

New York

Dated

3063

Received in Registry

25 Oct
27

Palestine Sub. Committee 2
Refer New York 61 3064 (E9938/957/31)
Working Group of Sub. Committee 2 (consisting of Arab delegates and U.K. observer) met twice in closed session on 24 Oct, gave text of points raised and reply by M. Bealey.

Last Paper.

9996

References.

(Minutes.)

Para. 2 seems to show a much more amenable spirit on the part of the Arabs, who have in the past claimed the administration of all Palestine. Indeed it reads rather like McMillan's scheme.

27 Oct
28

28/x

28/x

28/x

(How disposed of.)

8 Watson
1 M.S.P.
M.P.H.
D.M.L.G.
A.W.
Oct 30
(on E9976)

(Action completed.)

J.E.M. 20/10

(Index.)

31/9/48

Next Paper.

E10020

Sib. Payne
(White)
28/x

Wt. 24.72/77 17895 1938 F.O.P.

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Reference: EO 371 / 61884

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[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

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224
END

Cypher/OTP

WORLD ORGANISATION
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FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 3063

D. 11.18 a.m. 25th October, 1947.

25th October, 1947.

R. 5.46 p.m. 25th October, 1947.

Repeated to : High Commissioner, Jerusalem
Washington - Saving

E 3097

IMMEDIATE

27 OCT

GIANT

My telegram No. 3044.

Palestine Committee.

The Working Group of Sub-Committee 2 on Arab Plan (consisting of three Arab delegates and United Kingdom observer) met twice in closed session on 24th October. Nuri Pasha asked whether the Mandatory Government, on withdrawal, would hand over power to a Provisional Government composed of six Arabs and three Jews. Beeley explained that there could be no transfer of authority except to an Administration established under the auspices of the United Nations or to an Administration agreed upon by Arabs and Jews. If there was no agreement, power would devolve automatically upon whatever authorities were capable of maintaining order in larger or smaller areas of Palestine.

2. The Arabs are proposing to put forward the plan they proposed at the London Conference last winter, with certain concessions in the direction of local autonomy for the Jews, and with additions to deal with the situation arising if Jewish agreement cannot be obtained. To deal with this eventuality they are at present inclined to suggest that an Arab authority should take over the administration of all Arab parts of Palestine when the Mandatory withdraws, leaving the Jews alone unless the latter commit an act of aggression.

Foreign Office please pass Immediate to High Commissioner, Jerusalem, as my telegram No. 118.

[Copies sent to Colonial Office for repetition to Jerusalem.]

MM



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Reference

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